

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 19/0743/FUL                      **Grid Ref:** E: 329700  
N: 271835  
**Community Council:** Knighton Community                      **Valid Date:** 03.06.2019

**Applicant:** Mr Thomas Price

**Location:** Llanshay Farm, Llanshay Lane, Knighton, Powys, LD7 1LW

**Proposal:** Erection of 2 no. poultry buildings and associated infrastructure

**Application Type:** Full Application

### Reason for committee decision

The Professional Lead for Planning considers that the planning function in this instance should be dealt with by the Planning Committee in accordance with Section 13 of the Council's Constitution.

### Background

During the application process, requests were made by third parties to the Welsh Government to 'call in' the application for determination by the Welsh Ministers. The Welsh Government wrote to the Local Planning Authority on the 8<sup>th</sup> September 2020 to detail the reasons they did not consider that the request warranted a 'call in' in this instance. This letter has been publicly available on the council's website since 25<sup>th</sup> September 2020.

Also on the 25<sup>th</sup> September 2020, Powys County Council resolved to approve this planning application under delegated powers as it was permitted to do so in line with the Council Constitution at that time. A judicial review of the decision was made with the courts which led to the planning approval being quashed. The applicant has since submitted additional information in support of the planning application and following re-consultation, the application is now at a point at which re-determination can occur.

### Consultee Responses

**PCC-Ecologist    Wed 15 Sep 2021**

Thank you for consulting me with regards to the revised information regarding planning application 19/0743/FUL which concerns an application which concerns an application for the Erection of 2 no. poultry buildings and associated infrastructure at Llanshay

Farm, Llanshay Lane, Knighton, Powys.

I previously responded to this application on the 30<sup>th</sup> April 2020 in which I provided advice and comments with regards to the assessment of the proposed development and appropriate conditions which should be attached should planning permission be granted. Whilst planning permission was granted by the LPA for the development, the decision was overturned following a request for a Judicial Review, further to this revised information has been submitted.

I have reviewed the revised information and have the following comments:

The proposal concerns an application for the construction of 2 Poultry Houses for broiler production with 55,000 birds per building i.e. 110,000 birds in total as well as associated infrastructure including Feed Bins and Feed Blending Room, Ground Source Heat Pump, Concrete Apron, Dirty Water Tanks, Plant Room, Water Tank, Gate House, Gas Tanks, Hardstanding and Surface Water Drainage features.

Chapter 7 of the Revised Environmental Statement summarises the findings of the assessment of ecological impacts associated with the proposed development. In order to inform this assessment an update Preliminary Ecological Appraisal was undertaken the findings of this assessment are presented in Appendix 3 Rev A of the Environmental Assessment in the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19<sup>th</sup> February 2021. The report details the findings of desk studies and a field survey which was undertaken on the 17<sup>th</sup> February 2021. The field survey comprises both an Extended Phase 1 Habitat Survey – including a search for invasive non-native species (INNS) – and Protected Species Assessment which evaluated the potential for the site to support protected or priority species.

The Report identifies that the proposed development site is situated within an agricultural landscape dominated by pastureland, habitats present on and adjacent to the site were identified as including grassland and hedgerows. No ponds are present on the site of the proposed development itself, however 3 ponds were identified within 500m of the site boundary. The majority of the site of the proposed development was found to comprise improved grassland which is currently heavily grazed by sheep, species recorded are consistent with this habitat classification and are widespread and common – in addition the classification of the site as improved grassland is consistent with the current NRW and historic CCW Wales Phase 1 habitat maps - an area of arable land was found to be present over a small area of the eastern part of the site – the Report notes that at the time of the survey this area had recently been ploughed. A Sunken Track – Caleck's Lane – was identified as present adjacent to the western boundary of the northern part of the site, the majority of this feature is identified as being outside of the proposed development footprint and the Report identifies that all of this track will remain undamaged and in situ during the proposed development as the proposed new access track only breaches the habitat through an existing gateway – species recorded within this feature were identified as being widespread and common species.

Access to the site comprises a combination of use of existing farm access tracks and previously approved new farm road which would then join with a new section of farm road. The ecology report identifies that access to the new farm road will pass through improved grassland and require a narrow breach to be made through two sections of hedgerow (identified as Hedgerow 1 and Hedgerow 2 in the Report)– the sections of hedgerow affected has been identified as immature hawthorn bushes.

An intact species-poor hedgerow (Hedgerow 1) is present on the site's northern boundary, the hedgerow was assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important and found to have negligible potential to support roosting bats. The south-eastern boundary of the site was identified as native species-rich hedge and trees this hedgerow (Hedgerow 2) was also assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important the hedgerow and trees were also assessed as having negligible potential to support roosting bats due to absence of potential bat roosting features. Whilst neither hedgerow was found to meet the criteria of ecologically important as defined by the Hedgerow Regulations 1997 linear features including hedgerows are considered to be habitats of high biodiversity value, Powys LDP Policy DM2 states that: 'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

In addition, whilst the hedgerows were found to lack suitable features to support roosting bats, it is likely that bats would use these features for the purposes of foraging and commuting through the wider landscape. I note that that the report identifies that the hedgerows on the northern and eastern boundaries of the site will be for the majority be retained in-situ and unaffected by the proposed development with the exception of short sections – identified as comprising immature hawthorn at the locations of the proposed breaches– that would be required to be removed to provide the proposed access from the main part of the site to the smaller part of the site in the east. In

accordance with the Environment (Wales) Act 2016 the LPA is required to seek to maintain and enhance biodiversity through all of its functions including the planning process, therefore it would be necessary to provide appropriate compensation for the loss of any features of biodiversity value.

I note from the submitted Site Plan drawing no. IP/LF/02A produced by Ian Pick Associates Ltd dated March 2021 that it is proposed to provide a native tree planting belt along the southern and western elevations of the proposed poultry sheds – taking into account the extent and condition of hedgerow proposed to be removed to accommodate the required access it is considered that the proposed native tree planting belt would provide appropriate compensation in this instance. Whilst the submitted plans indicate the provision of a native tree planting belt around the proposed unit, no specific details regarding the species or planting specifications and aftercare measures have been provided. Therefore it is recommended that in order to ensure that the proposed landscaping complies with the requirements of LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to the Ecological Qualities of the Landscape as well as Part 1 Section 6 of the Environment (Wales) Act 2016 a suitably worded planning condition to secure submission and implementation of an appropriate detailed landscaping scheme is included should you be minded to approve the application.

In addition in order to ensure protection of the retained hedgerows and trees surrounding the proposed development footprint it recommended that adherence to the Tree and Hedgerow Protection Measures Statement detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 is secured through an appropriately worded planning condition to ensure that these features would appropriately protected during the construction phase of the proposed development.

No ponds were found to be present within the footprint of the proposed development itself, three ponds were identified as present within 500m of the 'initial' red line boundary. These ponds were subject to Habitat Suitability Index (HSI) assessments in 2019, the ponds were found to score between average and excellent suitability for great crested newts (GCN). Further detailed surveys were undertaken in 2019 and GCN were confirmed to be present in the 'excellent' pond – Caleck's Pool located approximately 195m north of the proposed development site – the population assessment surveys confirmed the presence of a medium-sized population.

Assessment of the proposed development site for its potential to support protected and priority species was also undertaken during the field survey. The report provides the results of the assessments and provides recommendations with regards to further surveys and/or mitigation measures.

The site was found to support widespread and common plant species, no protected or priority plant species were noted during the survey.

No GCN were observed on the site of the proposed development and the habitats covering the development site – heavily grazed improved grassland – were considered to be generally poor terrestrial habitat for GCN. 3 ponds were identified within 500m of the proposed development site, these were subject to HSI assessments in 2019, the ponds were found to score between average and excellent suitability for great crested newts (GCN). Further detailed surveys were undertaken in 2019 and GCN were confirmed to be present in the ‘excellent’ pond – Caleck’s Pool located approximately 195m north of the proposed development site – the population assessment surveys confirmed the presence of a medium-sized population.

No other amphibians were observed during the field survey and due to the absence of suitable breeding habitat on the proposed development site itself i.e. ponds. The report concludes that no further surveys would be required.

The vegetation at the base of the boundary hedgerows was identified as having some limited suitability to support low numbers of reptile species – common lizard and slow worm - known to occur in Powys. The habitats were considered to be of limited value due to lack of associated potential basking areas, refugia and hibernacula and no evidence of indication of reptiles was observed during the survey. However the report concludes that the presence of low numbers of reptiles cannot be ruled out and in order to ensure compliance with the legislation afforded to reptile species known to occur in Powys a scheme of mitigation measures have been identified – having reviewed the identified mitigation measures it is considered that they are appropriate and in line with current guidelines. I therefore recommend inclusion of a planning condition to secure implementation and adherence to the identified measures should you be minded to approve the application.

Bird species commonly associated with the habitat present on and adjacent to the proposed development site were identified, no Wildlife & Countryside Act Schedule 1 birds were noted during the survey and whilst no active nests were found during the survey evidence of historic nesting by carrion crow, magpie, blackbird and goldfinch was noted in the hedgerows on the site. The Report concludes that common farmland and woodland birds have and would be likely to breed in the boundary hedgerows. Recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for nesting birds through the provision of four nest boxes of mixed designs erected on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process – therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No existing structures are present on the site and trees and hedgerow bushes were assessed as having negligible potential to support roosting bats due to lack of suitable features therefore the Report concludes that the proposed development would not result

in any impacts to roosting bats. The site was considered to have some potential to be used by foraging and commuting bats, especially along the hedgerows present around the proposed development site, as these features will be retained – with the exception of 2 short sections required to be removed to accommodate proposed access points – the report concludes that there would be minimal impacts to bat activity across the site as a result of the construction of the proposed development.

Whilst minimal impacts as a result of the construction of the proposed development are considered likely, the report identifies that installation of external lighting in relation of the operation of the development could result in negative impacts – measures to minimise negative impacts from artificial lighting as a result of the proposed development have been identified within the ecology report in accordance with the recommendations of *the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series* – the identified measures are considered to be appropriate. Limited details have been provided regarding the need to install exterior lighting associated with the proposed development – some reference is made to this in Section 3.10 of the Environmental Statement however the information provided is not considered sufficient to enable appropriate exterior lighting to be secured through a planning condition. In order to ensure that any proposed external lighting at the site would not have a negative impact on local wildlife, I recommend that if planning permission is granted a planning condition is included requiring that any external lighting identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7 – should external lighting be proposed it will need to be demonstrated that the plan complies with the recommendations identified in Preliminary Ecological Appraisal Report, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. It is therefore recommended that an appropriately worded condition is included to secure submission of a lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

In addition recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for bats - through the provision of four bat boxes of mixed designs on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process – therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No suitable habitat to support otter or water vole was identified during the survey and the report concludes that no further surveys for these species would be required.

The boundary hedgerows were assessed as being potentially suitable to support dormice, however the report concludes that as there would be minimal impacts to these hedgerows the risk of impacts to this species is minimal and that detailed surveys for this species would not be required.

No badger setts or evidence of badger activity was observed on the proposed development site or within 50m of the sites' boundary and no impacts to badger setts are anticipated.

The report includes recommendations to provide new nesting sites for hedgehog through the installation of two hedgehog nesting boxes to be located in the base of hedgerows within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process – therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

A Great Crested Newt Survey Report Produced by Craig Emms and Dr Linda Barnett dated May 2019 has been submitted to support the application. The Report details the findings of great crested newt surveys undertaken at the tree ponds identified within 500m of the proposed development – the surveys were undertaken between March and May 2019 using a combination of torch survey, bottle trapping and egg searches.

Ponds 1 and 3 were surveyed four times to determine presence or absence of GCN – during these surveys no great crested newts were found and the report concludes that GCN are considered to be absent from these ponds. Whilst GCN were found to be absent from these ponds breeding populations of common frog and common toad were found to be present in Pond 1, and smooth newt was identified as present in both Pond 1 and Pond 3

GCN were confirmed to be present in Pond 2 and six surveys were conducted to establish a population estimate, the surveys identified a maximum count of 23 GCN which classes the population in the pond as medium. The report concludes that due to the confirmed presence of GCN within 500m of the proposed development an EPS Licence will be required for the proposed development.

Further to the submission of the Great Crested Newt Survey Report a the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019 was submitted to support the planning application.

As detailed in my previous response regarding this application having reviewed the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12<sup>th</sup> December 2019 I consider that the

measures identified are appropriate and achievable and subject to their implementation would ensure that the proposed development would not result in negative impacts to the favourable conservation status of GCN in its natural range.

The Report details mitigation and enhancement measures including Reasonable Avoidance Measures during the pre-construction phase, terrestrial habitat protection including the use of exclusion zones, recommendations regarding artificial lighting, vegetation clearance/management works, protection of aquatic and terrestrial habitats, search of potential refugia, methods for storage of material on site, removal of spoil from the site and excavations, protocol to follow in the event of discovering GCN/amphibians on site. In addition to mitigation measures habitat enhancement measures have been identified including aquatic habitat restoration/enhancement works to Pond 2 and Pond 3, provision of two artificial hibernacula to be constructed close to ponds 2 and 3 and restoration/enhancement of grassland through reduction of grazing pressure allowing the grassland to grow longer and develop a more varied structure and floral composition – a contingency plan for restoration of the grassland has also been identified in the event that limiting grazing does not prove to be effective. Protection measures to prevent pollution of the ponds has been identified, measures identified include the construction of an artificial swale between the broiler sheds and pond 2 to intercept run-off and prevent contaminated water reaching the pond. An outline scheme of long-term monitoring and management has also been provided indicating monitoring would be undertaken in the 1st, 3rd, 5th, 10th, 15th, 20th and 25th year after works on the development site have been completed. The results of the GCN monitoring visits and the monitoring of the mitigation and habitat restoration/enhancement measures will be reviewed following each survey year and any necessary remedial actions identified.

NRW reviewed the Mitigation and Compensation Strategy for Great Crested Newts Report dated December 2019 and confirmed in their response dated 24<sup>th</sup> January 2020 that whilst the amended Mitigation and Compensation Strategy only partly addresses the comments of their response dated 14<sup>th</sup> November 2019 they are satisfied that the submitted report is satisfactory for the purposes of informing the planning decision subject to the inclusion of a suitably worded condition to secure submission and implementation of an Amphibian Conservation – following submission of the revised information regarding the proposed development NRW have reiterated this position in their responses dated 28<sup>th</sup> April 2021 and 2<sup>nd</sup> July 2021. Full details of the condition requested to be attached by NRW should planning permission be granted can be found in the NRW response reference CAS-106171-W9R4 dated 24<sup>th</sup> January 2020.

I have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5<sup>th</sup> February 2021 submitted to inform the revised application – Appendix 4 Rev A of the revised Environmental Statement. The updated proposals and associated ammonia report identify that the proposed development has been amended to include the installation of Inno+ air scrubber units, the air scrubber units would provide the majority of the ventilation for the proposed poultry units. Further

information regarding the scrubber units has been provided in Appendix 3A of the Environmental Statement.

The following National statutory designated sites are present within 5km of the proposed development:

- River Teme Site of Special Scientific Interest (SSSI)
- Gwernaffel Dingle SSSI
- Brampton Bryan Park SSSI

NRW have reviewed the information provided within the Report with regards to National and International statutory designated sites, in their response dated 28<sup>th</sup> April 2021 NRW have confirmed that the revised application has now been assessed under the thresholds introduced by NRW on 1st of April 2017 – the application had previously been assessed using the pre April -2017 thresholds, this was due to the fact that the an NRW permit application for the proposed poultry units had been received prior to this date. NRW Have confirmed that the ammonia critical levels and nitrogen critical levels used in the assessment with regards to the Statutory designated sites present within 5km of the proposed development are considered to be correct and that the predicted process contributions would be below the thresholds applied by NRW to determine potential impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.

I note that a review of the Ammonia Report submitted to inform the application has been presented by a third party, NRW confirm in their response dated 2<sup>nd</sup> July 2021 that they *'have been presented with a report titled 'Marshes Planning, Llanshay Farm, Knighton Review of Odour and Ammonia Assessments', project No. 014 version 2 dated 19 April 2021 by Michael Bull & Associates and letter from Marches Planning titled 'Further objection to Planning Application Reference 19/0743/Ful Erection of 2no. poultry units and associated infrastructure Llanshay Farm, Knighton, LD7 1LW On behalf of Sustainable Food Knighton'.*

NRW's response confirms that they *'have reviewed both these documents. The information included in these documents does not change the advice which we've previously provided on our advice regarding aerial emissions and protected sites'.*

The biodiversity data search identified the presence of 48 parcels of Ancient Woodland and one Local Wildlife Site - Knighton Railway Station Meadow LWS - within 2km of the proposed development site.

With regards to Ancient woodland the modelling indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> and the Critical Load of 10.0 kg/ha, at the ammonia sensitive Ancient Woodland sites the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed 1% of the

precautionary Critical Level of  $1.0 \mu\text{g}/\text{m}^3$  and the Critical Load of  $10.0 \text{ kg}/\text{ha}$ . It is therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

I note that the Local Wildlife Site present within 2km of the proposed development has not been included in the ammonia and nitrogen deposition modelling, whilst this non-statutory site has not been included within the assessment having reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland in proximity to the identified Local Wildlife Site it is considered that this provides sufficient evidence to demonstrate that the predicted process contribution to the Local Wildlife site would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site and as such I do not consider it necessary in this instance to require additional information to be submitted.

I note that CADW have raised concerns with regards to potential for impacts to the Stanage Park – Historic Park and Garden – this site has been included in the ammonia and nitrogen deposition assessment – receptors 53-65 (inclusive) within the Report consider the predicted process contributions to the Stanage Park Site, these receptors have been identified as NH<sub>3</sub> Sensitive Ancient Woodland and the modelling identifies that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would be below 1% of the precautionary Critical Level of  $1.0 \mu\text{g}/\text{m}^3$  and the Critical Load of  $10.0 \text{ kg}/\text{ha}$ , it is therefore considered that the potential impacts of the proposed development to the Stanage Park – Historic Park and Garden are within the levels considered to be acceptable by recognised current guidelines.

I note that CADW also make reference to the Review undertaken by Michael Bull & Associates, given the specialist technical nature of this review, I have deferred to the advice provided by NRW who as identified above have stated that the evidence provided in the Review would not alter their conclusions provided with regards to the predicted process contributions Ammonia Report submitted to support the application.

The predicted process contributions identified within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5<sup>th</sup> February 2021 are reliant on the installation of the Scrubber units, it is therefore necessary to ensure that the installation of the units is secured to ensure that if approved operation of the development would not result in negative impacts to the environment, NRW have also identified that it will be necessary to ensure the ammonia scrubber unit detailed within the ammonia modelling report is installed and, monitored and maintained in perpetuity – I therefore recommend that a condition securing installation and operation of the ammonia scrubbing unit is included should you be minded to approve the application.

The revised Environmental Statement identified that all manures and dirty water arising from the operation of the proposed development will be disposed of via export from the site to a licensed Anaerobic Digester Plant – it has been identified that the manure and dirty water will be removed under a formal contract with Whitchurch Biogas Ltd – confirmation of this arrangement has been provided in the ‘replacement’ Appendix 8 of the environmental Statement which comprises a letter from Whitchurch Biogas Ltd detailing an offer of a contract to received all of the poultry manure form the proposed poultry unit.

Details of contingency measures i.e. if for any reason it is not possible to export the manure to the AD Plant; have been provided in Section 9.38 of the Environmental Statement, this identifies that in the event that the AD Plant is unable to receive the manure from the proposed development manure can be temporarily stored in an emergency within a concrete floored cattle building on the applicants holding. Wash water will be stored in one of 2 underground dirty water tanks - 2 x Underground 40m<sup>3</sup> tanks complying with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations. Subject to the site being operated in accordance with the manure management proposals, it is considered unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed in their response dated 2<sup>nd</sup> July 2021 that they are satisfied with the identified MMP and associated contingency measures. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage arrangements for the site have been provided in Section 10 of the Environmental Statement and detailed on the amended Drainage Layout Plan A1 drawing no. IP/TP/05C produced by Ian Pick Associates Ltd dated May 2021, these identify that dirty and clean water will be kept separate. The poultry buildings will be sealed and contaminated water produced in the washing out process from the buildings will be drained to one of 2 underground dirty water tanks - 2 x Underground 40m<sup>3</sup> tanks complying with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations.

Clean water from roof and clean surfaces has been identified as being drained to clean water drainage system each side of the buildings which is then discharged to an attenuation pond located to the north-east of the proposed poultry sheds. The attenuation pond will outfall into the stream to the north of the attenuation pond through a restricted orifice which will limit discharge to the appropriate greenfield rate.

Having reviewed the clean and dirty water drainage proposals it is considered that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment, NRW have also confirmed that subject to the development being undertaken in accordance with the identified plans the proposal would not be likely to negatively impact the surrounding environment. I therefore recommend that should you be minded to approve the application that a suitably worded planning condition is included to secure adherence to

the identified drainage scheme.

A Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton (unreferenced & undated) has been submitted with the application. I have reviewed the submitted information consider that the measures identified are appropriate and the measures proposed are also in line with current guidelines. NRW have confirmed that they consider the submitted information and measures identified within these plans to be appropriate and subject to adherence to these Plans there would be no likely adverse impacts from the proposed development to the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

*Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) will be submitted to and approved in writing by the Local Planning Authority to confirm that the Inno+ air scrubber unit equipment as detailed in Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5th February 2021 have been installed in the approved poultry units and are fit for purpose. The air scrubber units shall be operated and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*The development shall be carried out strictly in accordance with the details and measures identified in the following documents:*

- i. Manure Management Plan – as detailed in Sections 9.36, 9.37 and 9.38 of the Environmental Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021;*
  - ii. Drainage Plan – as detailed in Sections 10.3, 10.4, 10.5 of the Environmental Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021 and detailed on the Drainage Layout Plan A1 drawing no. IP/TP/05C produced by Ian Pick Associates Ltd dated May 2021 produced by Ian Pick Associates Ltd dated June 2019;*
  - iii. Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton (unreferenced & undated)*
- The measures identified shall be adhered to and implemented in full and maintained*

thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19<sup>th</sup> February 2021 (Pages 24 – 25 (inclusive)). The identified measures shall be adhered to and implemented in full and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

*The development shall be carried out strictly in accordance with the mitigation, enhancement, monitoring and management measures with regards to great crested newts as detailed within the Recommended Mitigation and Habitat Enhancement Measures Section (Pages 8-13 (inclusive)), Amphibian Friendly Surface Water Management System Section (page 14), Long Term Monitoring and Management Section (page 15) and Appendix 1 Restricted Activities in and Around Exclusion Zones of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12<sup>th</sup> December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

*The development shall be carried out strictly in accordance with the Tree and Hedgerow Protection Measures Method Statement as detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12<sup>th</sup> December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

*Notwithstanding the details submitted, prior to the commencement of development a*

*detailed Native Landscaping Planting and Management Scheme for the Native Tree Planting Belt as outlined on the Site Plan drawing no. IP/LF/02A produced by Ian Pick Associates Ltd dated March 2021 shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season following occupation of the development. The submitted Native Landscaping Planting and Management Scheme shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long-term retention. The approved measures shall be adhered to and implemented in full and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*Prior to the first beneficial use of development, an ecological consultant shall visit the site to check that all of the biodiversity mitigation and enhancement measures for birds, bats, hedgehogs and great crested newts have been implemented and are fit for purpose and a written report shall be submitted to the LPA confirming that this the case.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations identified in the Ecological Constraints and Opportunities Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19th February 2021, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 (as amended) and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

**Environmental Protection      Fri 10 Sep 2021**

Thank you for inviting our comments on the amended information that has been submitted for the above planning application.

Having reviewed the documentation and noted the additional information, I am able to offer my comments.

## Noise

Having reviewed the Noise Impact Assessment, Environmental Protection have no concerns with regards to noise.

## Manure

As the proposed development will be housing 110,000 broilers which is above the threshold of 40,000 for regulation of poultry farming under the Environmental Permitting (England and Wales) regulations (EPR) 2016 and as such a permit has been issued by Natural Resources Wales. The permit will address the relevant issues relating to air, water and land and including management and operations.

All manures will be disposed of via export from the site to a licensed Anaerobic Digester Plant located in Whitchurch Shropshire and none being spread locally.

Removal of the waste will be planned with the receiver however, the manure could be temporarily stored in an emergency within a concrete floored cattle building on the applicants holding.

Given that there will be no spreading locally and all waste will be transported off site in sealed sheeted trailers Environmental Protection are satisfied with the manure management arrangements.

## Recommended conditions

### Manure.

No manure to be spread to land with all manures being exported off site to an Anaerobic Digester

Reason: To minimise odour dispersion and prevent population increase of insects.

### Manure transportation

All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

## **Natural Resources Wales (Mid Wales) DPAS Mon 12 Jul 2021**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 02/06/2021.

Further to our previous letter referenced CAS-141145-B6J9 dated 28/04/2021, we have the following advice to provide.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice, and the following condition is attached:

- o The installation of air scrubbers on the proposed building, in accordance with the ammonia report titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys' by AS Modelling & Data Ltd. dated 05/02/2021.
- o Drainage plan titled 'Drainage Layout Plan A1', referenced IP/TP/05C dated May 21 by Ian Pick Associates Ltd.
- o 'Environmental Statement Rev B' by Ian Pick Associates Ltd. dated May 2021 for this proposal.
- o Pollution Prevention Plan titled 'Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at Land forming part of Llanshay Farm, Knighton'

Condition 1 - No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Please note, without the inclusion of these documents and condition we would object to this planning application. Further details are provided below.

### **Drainage Plan**

We have reviewed the amended drainage plan titled 'Drainage Layout Plan A1', referenced IP/TP/05C dated May 21 by Ian Pick Associates Ltd. submitted with this proposal.

The plan indicates the clean and dirty water drainage systems will be kept separate. The plan confirms the size of the proposed underground dirty water tanks, and states that these tanks will be compliant with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

We advise the proposal must be built in accordance with this plan, and that this plan must be listed in the condition listing the approved plans and documents.

### **Manure Management**

We have reviewed the amended document titled 'Environmental Statement Rev B' by Ian Pick Associates Ltd. dated May 2021 for this proposal.

Environmental Statement Section 9.36 to 9.38 confirms the manure from the proposal will be exported to an anaerobic digester plant and includes an agreement document to confirm. As a manure contingency plan, should the export of manure not be possible, temporary storage provisions can be made within concrete floored cattle building on the farm.

Provided the measures set out in this plan are adhered to, the proposal is unlikely to cause pollution to the wider environment. We advise this plan must be listed in the condition listing the approved plans and documents.

### **Protected Sites and Aerial Emissions**

We provided our detailed advice on the ammonia report titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys' by AS Modelling & Data Ltd. dated 05/02/2021 in our previous letter referenced above.

We have been presented with a report titled 'Marshes Planning, Llanshay Farm, Knighton Review of Odour and Ammonia Assessments', project No. 014 version 2 dated 19 April 2021 by Michael Bull & Associates and letter from Marches Planning titled 'Further objection to Planning Application Reference 19/0743/Ful Erection of 2no. poultry units and associated infrastructure Llanshay Farm, Knighton, LD7 1LW On behalf of Sustainable Food Knighton'.

We have reviewed both these documents. The information included in these documents does not change the advice which we've previously provided on our advice regarding aerial emissions and protected sites. Regarding odour we advise that you contact your own Environmental Health and/or Public Health Wales for advice.

### **European Protected Species**

Our advice on great crested newts and the condition can be found in our letter referenced CAS-106171-W9R4 dated 24/01/2020.

### **Other Matters**

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

### **Cadw – SAM      Wed 09 Jun 2021**

Thank you for your letter of 15 March 2021 inviting our comments on the amended information submitted for the above planning application. Apologies for the delay in our response.

In our letter of 29th January 2020 we expressed concern about the projected levels of ammonia levels from the proposed development in the Grade 1 Registered Stanage Park Historic Park and Garden.

An ammonia report prepared by AS Modelling & Data Ltd has been submitted in support of the application. This report indicates that the proposed development will lead to increased level of ammonia in the registered historic park and garden. The report suggests that this level will not be significant, but we have also seen a review of this report, produced by Michael Bull & Associates that concludes it is not possible to have confidence in the outcome of this assessment. Cadw are therefore concerned that increased ammonia may have an impact on mycorrhizal fungi leading to an adverse

effect on historic trees in the historic park and garden.

Cadw do not have the in-house expertise to determine the accuracy of the ammonia assessment and the impact of increased ammonia on the registered historic park and garden. We had expected this impact to have been addressed in the NRW response to the ammonia report (letter dated 28th April 2021) as Stanage Park is an identified "N-sensitive Ancient Woodlands and Parklands: N-sensitive Lichens or Bryophytes" but it is not mentioned. As such we strongly recommend that the LPA should contact NRW to provide information on the impact on the proposed development on N-sensitive Ancient Woodlands and Parklands, especially that of Stanage Park.

**PCC-Built Heritage Officer      Wed 26 May 2021**

Recommendation No Objection

Background to Recommendation

Designation

Cadw ID 9034 Llanshay Farmhouse included on the statutory list on 30/09/1995  
Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning Policy Wales 11th edition 2021  
Conservation Principles published by Cadw  
TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24  
Setting of Historic Assets in Wales - Annexe to TAN24  
Heritage Impact Assessments - Annexe to TAN24  
Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;  
Theme 4 - Guardianship of natural, built and historic assets  
LDP Objective 13 - Landscape and the Historic Environment

Comments

Thank you for consulting me on the amended details for this application. I had previously commented on 22 August 2019, and would request that these comments are an appendix to the previous comments.

I note that there have been some changes to the current proposal in comparison with the previous application, the most obvious would be in respect of manure disposal however the changes to the works on site appear to be;

- (i) Solar panels on the south roof elevation.
- (ii) A reduction in the number of visible vents from 16 per shed to 3, (iii) The introduction of an air scrubber attached to the west elevation ,
- (iv) Clarification in respect of the access.

I note the solar panels on the south elevation of the roof, however as the listed buildings are to the north of the proposed poultry units, I would not consider that the proposed solar panels would harm the setting of the listed buildings. Nevertheless I would request that consideration be given to black frames to the panels as opposed to the grey metal frames if possible.

I understand that the introduction of an air scrubber on the west elevation, is the reason/part of the reason why fewer vents are required on the ridge line. The air scrubber has the visual impression of an "extension" to the poultry unit as opposed to the visual appearance of plant of machinery. The increase in the size of the proposed poultry units would not be considered to result in harm to the setting of the listed buildings, however the reduction in visible vents would be considered as an improvement to the previous plans.

I note previously the access road included a section annotated on the plan as " approved farm road AGRI/2017/0096", however for the avoidance of doubt this section of farm road retains the annotation but is coloured red as included in this application site. The clarification is welcomed, however the road as part of the previous plans was considered in respect of setting of listed buildings, most notably the section of road on higher land closer to the poultry units. As such I can confirm that I am still of the opinion that the road to the poultry units as clarified was previously considered however my opinion would be the same that is I would not consider that the proposed access would harm the setting of the listed buildings.

I would confirm that the amended details have been acknowledged and taken into account, however I would not consider that the amendments would change the consideration previously given in my comments dated 22 August 2019, and as such I would maintain my previous comments of no objection. For the avoidance of doubt these comments should be considered as an appendix to my previous comments.

In making these comments I am mindful of the advice in Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to

complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 11 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 11th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

### **Natural Resources Wales (Mid Wales) DPAS Tue 11 May 2021**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 15/03/2021.

Further to our previous letter referenced CAS-106171-W9R4 dated 24/01/2020, we understand new information has been submitted with the application. Our advice is therefore as follows.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met, the following conditions are attached and documents listed below are included within the condition identifying approved plans and documents on the decision notice.

Requirement 1 - Clarification on details of the drainage plan to confirm the development will be built to comply with the current environmental standards.

Requirement 2 - Confirmation of temporary storage (contingency) measures of manure if export is not possible.

Condition 1 - No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority

Approved plans and documents:

i) Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for

## Proposed Broiler Unit at Land forming part of Llanshay Farm, Knighton) Drainage Plan

We have reviewed the amended drainage plan (plan titled 'Drainage Layout Plan A1', dated Mar 21 by Ian Pick Associates, uploaded to your Authority's website on 15 Mar 2021) submitted with this proposal.

Requirement 1 - Clarification on details of the drainage plan, to ascertain the proposal will be built to comply with the required environmental standards

1. The drainage plan shows the clean and dirty water will be drained separately. However, section 10.5 of the Environment Statement (titled 'Environmental Statement Rev A' by Ian Pick Associates, dated March 2021, uploaded to your Authority's website on 15 Mar 2021) states 'The concrete apron will be enclosed by a catchment drainage with a switch system.' We advise that switch systems are not considered to be environmentally acceptable due to the risk of environmental pollution from improper operation. Therefore, the proposal must be amended so no switch systems between the clean and foul drainage systems will be proposed. The clean and dirty water systems must be kept separate.

2. The drainage plan includes a dirty water tank. To confirm the tank will comply with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, the capacities of the proposed tanks and calculations provided to demonstrate these are large enough for the proposal.

### 3. Manure Management Plan

We have reviewed the manure management plan (document titled 'Manure Management Report by Farming Connect Cyswllt Ffermio dated 1st November 2018, uploaded to your Authority's website on 3rd May 2019) submitted with this application. Requirement 2 - Confirmation of temporary storage (contingency) measures of manure if export is not possible

A written confirmation letter from Whitchurch Biogas Ltd dated 9th February 2021 has been provided which confirms they are willing to accept all the manure from the proposed development.

The manure management plan referenced above in Section 4 states there will be the availability of 'concrete floored cattle buildings' for the storage of manure prior to being spread on land. Confirmation is required on what the temporary storage measures of manure if export of manure is not possible.

## Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). This proposal has been re-assessed and has now been considered under the thresholds introduced on 1st of April 2017. NRW assesses the air quality impact a unit may have on the National Site Network and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit. This farm has been granted an Environmental Permit under reference EPR/AB3593ZL for a maximum capacity of 110,000 birds at any one time. We have reviewed the latest ammonia report (document titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay

Farm, Llanshay Lane, near Knighton in Powys' by AS Modelling & Data Ltd. dated 05/02/2021) submitted with this application.

Section 2 of the report states the two proposed poultry units will be ventilated by Inno+ air scrubbing units. Within 5km of the unit there are three SSSIs which have been considered using the following ammonia critical levels and nitrogen critical loads: We accept these figures used by the report.

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.14µg/m<sup>3</sup>. The background nitrogen deposition rate to woodland is 26.64kgN/ha/yr and to short vegetation is 14.84kgN/ha/yr. The source of these figures is the Air Pollution Information System (APIS) February 2021.

The report predicts the process contributions to ammonia concentrations and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites.

To avoid adverse impacts to protected sites, ammonia scrubbers must be secured via planning condition, and verification provided to your Authority by an appropriately qualified engineer/ installer that the scrubbers have been installed on the buildings in accordance with the ammonia report (i.e. size and volume etc) before the first operational use.

European Protected Species - Great Crested Newts

Our advice on great crested newts and the condition can be found in our previous letter referenced above. Should you have any queries regarding that advice please do not hesitate to contact us again for further discussion.

Foul Drainage

The drainage plan referenced above indicates a package treatment plant will be installed.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having considered the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to

mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### **Town Council Thu 08 Apr 2021**

Knighton Town Council recommended approval of this application subject to the manure being sent to an anaerobic digester.

#### **Historic England Tue 30 Mar 2021**

Thank you for your e-mail of 15th March 2021 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

#### **Hafren Dyfrdwy Fri 26 Mar 2021**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

#### **PCC-Countryside Services Manager Fri 26 Mar 2021**

Thank you for the opportunity to comment on this application.

The applicant is advised that a public bridleway exists within the application area and the proposed development as shown on the application plans provided will directly affect it.

In the Local Development Plan, DM13 criterion 9 requires the public right of way to be enhanced and integrated within the layout of the development proposal. Should planning permission be granted the applicant must ensure that;

- o the increased use of the farm track with vehicles associated with the proposed development does not adversely affect the bridleway
- o the drainage pipes from the attenuation pond, under the bridleway must be of an appropriate size and strength, and buried at an appropriate depth to not cause a hazard to users of the public right of way; and the surface must be reinstated to at least its current condition or better.

In the applicants plans it is proposed to carry the clean water under the public bridleway. In order for the applicant to carry out these works within the highway, a temporary Traffic Regulation Order (TRO) will be needed to allow for a safe working area during works and appropriate reinstatement of the surface to a standard appropriate for a bridleway. The applicant can apply for a TRO via the application form at the bottom of this webpage; <https://en.powys.gov.uk/article/734/Traffic-delays-and-planned-road-works>

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc?
- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- o Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

### **PCC-(M) Highways Fri 26 Mar 2021**

Thank you for consulting the Highway Authority on this matter.

The Highway Authority notes the additional information submitted in support of this

application and does not wish to make any further comment at this time. Furthermore, the highway conditions provided by the Highway Authority on 11th June 2019 remain valid and should be included within any given consent, however condition 1 should be replaced with the one provided below.

1. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

### **Environmental Protection Mon 11 May 2020**

As the proposed development will be housing 110,000 broilers which is above the threshold of 40,000 for regulation of poultry farming under the Environmental Permitting (England and Wales) regulations (EPR) 2016 and as such will require a permit issued by Natural Resources Wales. I note that the permit has been issued and will address relevant issues relating to air, water and land and including management and operations.

A concern is that of odour from spreading and exporting, the Manure management plan states that the applicant will follow the Code of Good Agricultural Practice and should be adhered to at all times but with the transport off site I would request the following condition is added to planning permission if granted.

#### **Manure transportation**

All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

### **PCC-Ecologist Fri 01 May 2020**

I have reviewed the proposed plans and supporting information submitted with the application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 15 records of protected and priority species within 500m of the proposed development, no records were identified for the site itself. Species recorded within 500m included wall butterfly, white-letter hairstreak, hedgehog, hare,

badger, polecat, palmate newt, smooth newt, adder and bluebell.

No statutory or non-statutory designated sites were identified within 500m of the proposed development, 3 parcels of ancient woodland (as identified on the Ancient Woodland Inventory) are present within 500m, the closest parcel of which is approximately 387m west of the proposed development site.

The planning application is accompanied by an Environmental Statement which includes a Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated May 2019, the report details the findings of desk studies and a field survey which was undertaken on the 24th September 2018. The field survey comprises both an Extended Phase 1 Habitat Survey - including a search for invasive non-native species (INNS) - and Protected Species Assessment which evaluated the potential for the site to support protected or priority species. It is noted that the section of the Report entitled Limitations (page 10 of the report) identifies that the red line boundary for the site has been extended in the second version of the report to encompass the proposed new attenuation pond and drainage pipes in the northern part of the site. An old tree-lined farm access track which lies on the western edge of the northern extension was therefore not surveyed, as it was outside of the initial red line boundary. The report states that it is understood that all of the access track and the trees that line it would be retained and not be damaged by the proposed development and as such the overall conclusions of the report are considered to remain valid despite this area not being surveyed.

The report identifies that the proposed development site is situated within an agricultural landscape dominated by pasture land, habitats present on and adjacent to the site were identified as including grassland and hedgerows. No ponds are present on the site of the proposed development itself, however 3 ponds were identified within 500m of the 'initial' site boundary. The site of the proposed development was found to comprise an area of improved grassland, species recorded are consistent with this habitat classification and are widespread and common - in addition the classification of the site as improved grassland is consistent with the current NRW and historic CCW Wales Phase 1 habitat maps.

Access to the site appears to use a combination of existing farm access tracks and previously approved new farm road which would then join with a new section of farm road - which is included within the redline boundary of the application. The ecology report identifies that access to the new farm road will pass through improved grassland and require a narrow breach to be made through a section of hedgerow (off site) to the north-east of the site - the section of hedgerow affected has been identified as immature hawthorn bushes.

An intact species-poor hedgerow is present on the sites northern boundary, the hedgerow was assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important and found to have negligible potential to support roosting bats. The eastern boundary of the

site was identified as native species-rich hedge and trees this hedgerow was also assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important the hedgerow and trees were also assessed as having negligible potential to support roosting bats due to absence of potential bat roosting features. Whilst neither hedgerow was found to meet the criteria of ecologically important as defined by the Hedgerow Regulations 1997 linear features including hedgerows are considered to be habitats of high biodiversity value, Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan - 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 - Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

In addition whilst the hedgerows were found to lack suitable features to support roosting bats, it is likely that bats would use these features for the purposes of foraging and commuting through the wider landscape. I note that that the report identifies that the hedgerows on the northern and eastern boundaries of the site will be for the majority be retained in-situ and unaffected by the proposed development with the exception of a short section of the eastern hedgerow - identified as comprising immature hawthorn - that will be removed to provide access from the main part of the site to the smaller part of the site in the east and the section of hedgerow removed to enable joining the existing farm road and proposed farm road. In accordance with the Environment (Wales) Act 2016 the LPA is required to seek to maintain and enhance biodiversity through all of its functions including the planning process, therefore it would be necessary to provide appropriate compensation for the loss of any features of biodiversity value.

I note from the submitted Site Plan drawing no. IP/LF/02 produced by Ian Pick Associates Ltd dated March 2019 that it is proposed to provide a native tree planting belt along the southern and western elevations of the proposed poultry sheds - taking into account the extent of hedgerow to be removed to accommodate the required access it is considered that the proposed native tree planting belt would provide appropriate compensation in this instance. Whilst the submitted plans indicate the

provision of a native tree planting belt around the proposed unit, no specific details regarding the species or planting specifications and aftercare measures have been provided. Therefore it is recommended that in order to ensure that the proposed landscaping complies with the requirements of LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to the Ecological Qualities of the Landscape as well as Part 1 Section 6 of the Environment (Wales) Act 2016 a suitably worded planning condition to secure submission and implementation of an appropriate detailed landscaping scheme is included should you be minded to approve the application.

In addition in order to ensure protection of the retained hedgerows and trees surrounding the proposed development footprint it is recommended that adherence to the Tree and Hedgerow Protection Measures Statement detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 is secured through an appropriately worded planning condition to ensure that these features would be appropriately protected during the construction phase of the proposed development.

No ponds were found to be present within the footprint of the proposed development itself, three ponds were identified as present within 500m of the 'initial' red line boundary. These ponds were subject to Habitat Suitability Index (HSI) assessments, the ponds were found to score between average and excellent suitability for great crested newts (GCN) and GCN were confirmed to be present in the 'excellent' pond. The report identifies that detailed surveys of all three ponds were being undertaken to establish presence/absence in ponds 1 and 3 and population size in pond 2 - the results of these surveys have been provided in a separate report and are discussed in detail below.

Assessment of the proposed development site for its potential to support protected and priority species was also undertaken during the field survey. The report provides the results of the assessments and provides recommendations with regards to further surveys and/or mitigation measures.

The site was found to support widespread and common plant species, no protected or priority plant species were noted during the survey.

No GCN were observed on the site of the proposed development and the habitats covering the development site - heavily grazed improved grassland - were considered to be poor terrestrial habitat for GCN. 3 ponds were identified within 500m of the 'initial' redline boundary, these were subject to HSI assessments and found to range between average - excellent suitability for GCN. The presence of GCN was confirmed in Pond 2 and further surveys to establish the population size of the GCN population in Pond 2, and to establish whether this species is present in Ponds 1 and 3 were identified as required - the results of which have been provided in a separate report.

No other amphibians were observed during the field survey and due to the absence of suitable breeding habitat on the proposed development site itself i.e. ponds. The report concludes that no further surveys would be required.

The vegetation at the base of the boundary hedgerows was identified as having some limited suitability to support low numbers of reptile species - common lizard and slow worm - known to occur in Powys. The habitats were considered to be of limited value due to lack of associated potential basking areas, refugia and hibernacula and no evidence of indication of reptiles was observed during the survey. However the report concludes that the presence of low numbers of reptiles cannot be ruled out and in order to ensure compliance with the legislation afforded to reptile species known to occur in Powys a scheme of mitigation measures have been identified - having reviewed the identified mitigation measures it is considered that they are appropriate and in line with current guidelines. I therefore recommend inclusion of a planning condition to secure implementation and adherence to the identified measures should you be minded to approve the application.

Bird species commonly associated with the habitat present on and adjacent to the proposed development site were identified, no Wildlife & Countryside Act Schedule 1 birds were noted during the survey and whilst no active nests were found during the survey the report concludes that common farmland and woodland birds would be likely to breed in the boundary hedgerows. Recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for nesting birds through the provision of four nest boxes on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process - therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No existing structures are present on the site and trees and hedgerow bushes were assessed as having negligible potential to support roosting bats due to lack of suitable features - it is noted that trees present along the old farm access track on the western edge of the northern part of the site were not included in this assessment, however it has been identified that these trees will not be affected by the proposed development - therefore the report concludes that the proposed development would not result in any impacts to roosting bats. The site was considered to have some potential to be used by foraging and commuting bats, especially along the hedgerows present around the proposed development site, as these features will be retained - with the exception of 2 sections required to be removed to accommodate proposed access points - the report concludes that there would be minimal impacts to bat activity across the site as a result of the construction of the proposed development.

Whilst minimal impacts as a result of the construction of the proposed development are considered likely, the report identifies that installation of external lighting in relation of the operation of the development could result in negative impacts - measures to minimise negative impacts from artificial lighting as a result of the proposed development have been identified within the ecology report in accordance with

accordance with the recommendations of the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series - the identified measures are considered to be appropriate. Limited details have been provided regarding the need to install exterior lighting associated with the proposed development - some reference is made to this in Section 3.10 of the Environmental Statement however the information provided is not considered sufficient to enable appropriate exterior lighting to be secured through a planning condition. In order to ensure that any proposed external lighting at the site would not have a negative impact on local wildlife, I recommend that if planning permission is granted a planning condition is included requiring that any external lighting identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7 - should external lighting be proposed it will need to be demonstrated that the plan complies with the recommendations identified in Preliminary Ecological Appraisal Report, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. It is therefore recommended that an appropriately worded condition is included to secure submission of a lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

In addition recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for bats through the provision of four bat boxes on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process - therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No suitable habitat to support otter or water vole was identified during the survey and the report concludes that no further surveys for these species would be required.

The boundary hedgerows were assessed as being potentially suitable to support dormice, however the report concludes that as there would be minimal impacts to these hedgerows the risk of impacts to this species is minimal and that detailed surveys for this species would not be required.

No badger setts or evidence of badger activity was observed on the proposed development site or within 50m of the sites' boundary and no impacts to badger setts are anticipated.

The report includes recommendations to provide new nesting sites or hedgehog through the installation of two hedgehog nesting boxes in the base of hedgerows within the

curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process - therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

A Great Crested Newt Survey Report Produced by Craig Emms and Dr Linda Barnett dated May 2019 has been submitted to support the application. The Report details the findings of great crested newt surveys undertaken at the tree ponds identified within 500m of the proposed development - the surveys were undertaken between March and May 2019 using a combination of torch survey, bottle trapping and egg searches.

Ponds 1 and 3 were surveyed four times to determine presence or absence of GCN - during these surveys no great crested newts were found and the report concludes that GCN are considered to be absent from these ponds. Whilst GCN were found to be absent from these ponds breeding populations of common frog and common toad were found to be present in Pond 1, and smooth newt was identified as present in both Pond 1 and Pond 3

GCN were confirmed to be present in Pond 2 and six surveys were conducted to establish a population estimate, the surveys identified a maximum count of 23 GCN which classes the population in the pond as medium. The report concludes that due to the confirmed presence of GCN within 500m of the proposed development an EPS Licence will be required for the proposed development.

Further to the submission of the Great Crested Newt Survey Report a Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated August 2019 was submitted to support the planning application, following comments received from NRW on the 14th November 2019 a revised version of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 has been submitted.

I have reviewed the revised Mitigation and Compensation Strategy for Great Crested Newts Report dated December 2019 and consider that the measures identified are appropriate and achievable and subject to their implementation would ensure that the proposed development would not result in negative impacts to the favourable conservation status of GCN in its natural range.

The Report details mitigation and enhancement measures including Reasonable Avoidance Measures during the pre-construction phase, terrestrial habitat protection including the use of exclusion zones, recommendations regarding artificial lighting, vegetation clearance/management works, protection of aquatic and terrestrial habitats, search of potential refugia, methods for storage of material on site, removal of spoil from the site and excavations, protocol to follow in the event of discovering GCN/amphibians on site. In addition to mitigation measures habitat enhancement measures have been

identified including aquatic habitat restoration/enhancement works to Pond 2 and Pond 3, provision of two artificial hibernacula to be constructed close to ponds 2 and 3 and restoration/enhancement of grassland through reduction of grazing pressure allowing the grassland to grow longer and develop a more varied structure and floral composition - a contingency plan for restoration of the grassland has also been identified in the event that limiting grazing does not prove to be effective. Protection measures to prevent pollution of the ponds has been identified, measures identified include the construction of an artificial swale between the broiler sheds and pond 2 to intercept runoff and prevent contaminated water reaching the pond. An outline scheme of long term monitoring and management has also been provided indicating monitoring would be undertaken in the 1st, 3rd, 5th, 10th, 15th, 20th and 25th year after works on the development site have been completed. The results of the GCN monitoring visits and the monitoring of the mitigation and habitat restoration/enhancement measures will be reviewed following each survey year and any necessary remedial actions identified.

NRW have reviewed the amended Mitigation and Compensation Strategy for Great Crested Newts Report dated December 2019 and confirm in their response dated 24th January 2020 that whilst the amended Mitigation and Compensation Strategy only partly addresses the comments of their response dated 14th November 2019 they are satisfied that the submitted report is satisfactory for the purposes of informing the planning decision subject to the inclusion of a suitably worded condition to secure submission and implementation of an Amphibian Conservation. Full details of the condition requested by NRW can be found in the NRW response reference CAS-106171-W9R4 dated 24th January 2020.

I have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 22nd March 2017 submitted to inform the application.

The following National statutory designated sites are present within 5km of the proposed development:

- o River Teme Site of Special Scientific Interest (SSSI)
- o Gwernaffel Dingle SSSI
- o Brampton Bryan Park SSSI

The following International statutory designated sites are present within 10km of the proposed development:

- o River Clun Special Area of Conservation (SAC)

NRW have reviewed the information provided within the Report with regards to National and International statutory designated sites, in their response dated 8th July 2019 NRW have confirmed that the application has been assessed under the pre April -2017 thresholds, this is due to the fact that the an NRW permit application for the proposed poultry units was received prior to this date. NRW Have confirmed that the predicted process contributions would be below the thresholds applied to determine potential

impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.

The biodiversity data search identified the presence of 46 parcels of Ancient Woodland and one Local Wildlife Site - Knighton Railway Station Meadow LWS - within 2km of the proposed development site.

With regards to Ancient woodland the preliminary modelling indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0  $\mu\text{g}/\text{m}^3$  and the Critical Load of 10.0 kg/ha. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

I note that the Local Wildlife Site present within 2km of the proposed development has not been included in the ammonia and nitrogen deposition modelling, whilst this non-statutory site has not been included within the assessment having reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland it is considered that this provides sufficient evidence to demonstrate that the predicted process contribution to the Local Wildlife site would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site and as such I do not consider it necessary in this instance to require additional information to be submitted.

A Manure Management Report produced by Farming Connect dated 1st November 2018 has been submitted to inform the application. Further to comments received from NRW dated 8th July 2019 which identified that the figures in the MMP failed to include details of manure for a 12 month period - the MMP only included calculations for the periods when livestock would be housed at the site - an addendum to the MMP has been submitted (uploaded to PCC Planning Portal on the 9th August 2019). The amended calculations identify that 49811kg of Nitrogen would be produced at Llanshay farm over a 12 month period this would require 199.24ha of ground to accommodate the spreading of all of the manure produced by the proposed poultry unit in addition to manure for existing livestock numbers at the farm in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha. The MMP and associated maps include details of 'no-spread' zones in accordance with the CoGAP recommendations i.e. buffers of 10m have been provided to all watercourses, 50m buffer from wells and boreholes and no spreading will take place in these buffers, the 'no-spread' zones are considered to be in line with current guidelines.

The MMP and associated addendum identifies that 139.59ha is available when no spread areas are deducted from the land within the ownership of the applicant i.e. there is insufficient land available at Llanshay farm to accommodate all of the manure produced at the site and that 14912.5kg of manure would need to be exported. It has been identified that the surplus manure would be exported to Lower Pedwardine Farm,

Brampton Bryan, Bucknell, Shropshire - details of N loading at Lower Penwardine have been provided which identify that this site has sufficient capacity to receive the exported manure and also adhere to CoGAP requirements regarding upper limits and no-spread zones.

The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions; in these instances, manure from the buildings will be stored in one of a number of covered areas on the farm prior to spreading to land. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards - once this reaches capacity, it will be collected and taken off site by a sealed tanker and disposed of whenever it is full. Subject to the site being operated in accordance with this manure management plan, it is considered unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed that they are satisfied with the identified MMP and associated contingency measures. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage arrangements for the site have been provided on the Drainage Layout Plan drawing no. IP/TP/05A produced by Ian Pick Associates Ltd dated June 2019, these identify that dirty and clean water will be kept separate. Dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards) dirty water will then be collected and taken off site by a sealed tanker and disposed of whenever it is full. Clean water from roof and clean surfaces has been identified as being drained to clean water drainage system each side of the building which is then discharged to an attenuation pond, all downpipes will be sealed at ground level to prevent contamination. The Drainage Layout Plan identifies that a diverter valve is included within the system which would enable the clean water system to be diverted to the dirty water tank during wash-down or in the event of a pollution incident.

Having reviewed the clean and dirty water drainage proposals it is considered that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment. NRW have also confirmed that subject to the development being undertaken in accordance with the identified plans the proposal would not be likely to negatively impact the surrounding environment. I note that due to the size of the proposed development the surface water drainage scheme will also require approval from the SuDS Approval Body (SAB), whilst the plans submitted for the application are considered to be acceptable with regards to consideration of the potential impacts of the proposed development to the wider environment with regards to a planning application it should be noted that further detail with regards as to how the proposed SuDS will maximise benefits for biodiversity will need to be identified as part of the SAB application. Having reviewed the clean and dirty water drainage proposals it is considered that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse

impacts to the surrounding environment I therefore recommend that should you be minded to approve the application that a suitably worded planning condition is included to secure adherence to the identified drainage scheme.

A Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, 'Knighton (unreferenced & undated) has been submitted with the application. I have reviewed the submitted information consider that the measures identified are appropriate and the measures proposed are also in line with current guidelines. NRW have confirmed that they consider the submitted information and measures identified within these plans to be appropriate and subject to adherence to these Plans there would be no likely adverse impacts from the proposed development to the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The development shall be carried out strictly in accordance with the details and measures identified in the following documents:

- i. Manure Management Plan Report Erection of a free-range egg production unit including silos and associated works at Bache Farm, New Radnor, Presteigne produced by Roger Parry & Partners LLP (undated) and associated Maps;
- ii. Drainage Layout Plan drawing no. IP/TP/05A produced by Ian Pick Associates Ltd dated June 2019;
- iii. Manure Management Report produced by Farming Connect dated 1st November 2018 and associated addendum report (undated and unreferenced)

The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated May 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

The development shall be carried out strictly in accordance with the mitigation and enhancement measures with regards to great crested newts identified in the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

The development shall be carried out strictly in accordance with the Tree and Hedgerow Protection Measures Statement detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

Notwithstanding the details submitted, prior to the commencement of development a detailed Native Landscaping Planting and Management Scheme shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season following occupation of the development. The submitted Native Landscaping Planting and Management Scheme shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long term retention. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the first beneficial use of development, an ecological consultant shall visit the site to check that all of the biodiversity enhancement measures for birds, bats, hedgehogs and great crested newts have been implemented and are fit for purpose and a written report shall be submitted to the LPA confirming that this the case.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition

10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations identified in Preliminary Ecological Appraisal Report, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Great Crested Newts - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended).

It is therefore an offence to:

- o Deliberately capture, injure or kill a great crested newt;
- o Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- o Damage or destroy a great crested newt breeding site or resting place;
- o Intentionally or recklessly disturb a great crested newt; or

o Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 - which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

#### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 (as amended) and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel:

#### **Cadw – SAM Thu 30 Jan 2020**

I refer to the above planning application and this letter supersedes our previous response of 6 September 2019 as additional information has been brought to our attention by CPRW.

I understand that the ammonia produced by this development could increase levels in the Grade 1 Registered Stanage Park Historic Park and Garden to a level which could have an adverse impact on its trees and vegetation. Ammonia can have a significant impact on mycorrhizal fungi which have an important symbiotic relationship to parkland trees. Mycorrhizal fungi enables the trees to extract nutrients and hold onto water. In effect, the fungus provides a secondary root system which is more efficient and extensive than the tree's own root system. Thus an impact on the fungi could have an effect on the health of the trees and given the age of the trees inside the registered historic park and garden this could lead to their loss. Many of the trees in registered historic park were planted as part of the original design and therefore their loss would have a significant impact.

I understand that ammonia levels of more than 0.01 ug/m<sup>3</sup> may have an impact on mycorrhizal fungi. The closest receptor points to the registered historic park and garden surveyed as part of the ammonia report submitted with this application (receptor points 24 and 26) are above this level. However, these points are to the west and well outside the boundaries of the registered historic park and garden. It is therefore recommended that the current assessment is expanded to include new receptor points inside the registered historic park and garden and that the impact of increased ammonia on mycorrhizal fungi and the historic trees is fully assessed. This is particularly important as Planning Policy Wales (PPW) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. Furthermore, any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way. PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

I can confirm that without this additional information we consider that the impact of the

proposed development on the Grade 1 Registered Stannage Park Historic Park and Garden is potentially significant and would give us cause to object to this application.

**CADW Mon 09 Sep 2019**

Thank you for your letter of 09 August 2019 inviting our comments on the consultation submitted for the above mentioned proposal. We have no change to our previous advice given on 10 June 2019.

**Natural Resources Wales (Mid Wales) DPAS Mon 27 Jan 2020**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/12/2019, and for allowing more time for us to reply.

Further to our previous letter referenced CAS-97355-M9K3 dated 14/11/2019, we have the following advice to provide.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1 - No development shall commence until a Great Crested Newt conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 Pollution Prevention - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i. Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)
- ii. Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')
- iii. Manure Management Plan (subject to the satisfaction of requirement for revised GCN mitigation/compensation)

**European Protected Species - Great Crested Newts**

We have reviewed the Mitigation and Compensation Strategy for Great Crested Newts (GCN) (reference Emms, C and Barnett, L. (2019). Mitigation and Compensation Strategy for Great Crested Newts: Llanshay Farm, Llanshay Lane, Knighton, Powys. Craig Emms and L K Barnett. Unpublished) submitted in support of this proposal.

Further to the requirements set out in our previous letter, we confirm the submission partly addresses the following:

1. Dedicated provision for a long-term Great Crested Newt compensation area
2. Revised GCN amphibian avoidance scheme, however we advise amphibian fencing could be used.
3. Management plan. No detail is provided on licencing requirements or contingency prescriptions.

The information provided which is not satisfactory include:

- a. Information on an amphibian friendly surface water management system
- b. Biosecurity
- c. Long term monitoring
- d. Ecological compliance audit.

Having considered the first revision of the document, we consider our requirements can

be addressed by means of an appropriately worded condition. We would have no objection to the scheme on the grounds of GCN subject to the imposition of a condition requiring the submission of a conservation plan.

Condition 1 - No development shall commence until an Amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The Conservation Plan shall include, but not necessarily limited to:

- o Build upon the principles outlined in the ecological report (reference Emms, C and Barnett, L. (2019). Mitigation and Compensation Strategy for Great Crested Newts: Llanshay Farm, Llanshay Lane, Knighton, Powys. Craig Emms and L K Barnett. Unpublished);
- o Submission of updated details and plan regarding GCN avoidance and mitigation measures to include fence construction and maintenance. Submission to include timescales and reporting requirements;
- o Submission of a long term site management that includes habitat management prescriptions; contingency measures if fish or invasive non-native species are detected; licensing requirements for undertaking habitat management and surveillance; current and any proposed tenure to the compensation area; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposals that are capable of being implemented in the event of failure to undertake identified or contingency actions;
- o Submission of detail on the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots;
- o Details of timing, phasing and duration of construction activities and conservation measures

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- o Timetable for implementation demonstrating that works are aligned with the proposed development
- o Ecological Compliance Audit, including key performance indicators
- o Persons responsible for implementing the works
- o Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include biennial abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site. Frequency of monitoring visits shall be increased in the event of fish and or aquatic invasive non-native species are detected;
- o Submission of a biosecurity risk assessment.

The Conservation Plan shall be carried out in accordance with the approved details.

Condition 2

Condition 2 Pollution Prevention - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i. Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)
- ii. Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')

iii. Manure Management Plan (subject to the satisfaction of requirement for revised GCN mitigation/compensation)

Further details of condition 2 can be found in our previous letters.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

### **Natural Resources Wales (Mid Wales) DPAS Fri 15 Nov 2019**

Further to our previous letter referenced SO27/GB/CAS-89831-K7D8 dated 08/07/2019, we have the following advice to provide.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object to this planning application.

#### European Protected Species - Great Crested Newt (GCN)

Following review of the submission of the GCN survey<sup>1</sup> and mitigation strategy<sup>2</sup>, in our view, the overall proposal has the potential to cause disturbance to this European Protected Species (EPS). GCN are protected under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Where GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS (i.e. GCN) on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN at this site. We therefore consider the submitted proposal provides insufficient information to demonstrate the development will not be detrimental to the maintenance of the favourable conservation status of the local population of this species.

Requirement: European Protected Species -The submission of revised great crested newt (GCN) mitigation and compensation measures to demonstrate the proposal is not detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.

A satisfactorily revised mitigation and compensatory scheme to include the following must be submitted:

- i. A dedicated long-term GCN compensatory scheme including plan of habitat creation and enhancement proposals such as pond construction and details of size, location and future tenure;
- ii. A revised GCN avoidance and mitigation scheme during the construction phase;
- iii. A GCN management plan that includes provisions concerning long term management for a period of not less than 25 years; and,
- iv. Details of measures designed to prevent the accidental capture/killing of GCN post-construction. This is essentially the design and construction of an amphibian friendly surface water management system.

#### Pollution

Once suitable information has been provided to demonstrate that the proposal would not have adverse effects on favourable conservation status of GCN, we request the following condition is included in your planning approval:

Condition 1: Pollution - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i. Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)
- ii. Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')
- iii. Manure Management Plan (subject to the satisfaction of requirement for revised GCN mitigation/compensation)

#### Manure Management Plan

We have reviewed the additional manure management document provided (document titled 'In relation to planning application at Llanshay Farm, Llanshay Lane, Knighton, Powys LD7 1LW (SO297718)') submitted in support of this proposal, and we are satisfied that the information fulfils Requirement 1 in our previous letter (SO27/GB/CAS-89831-K7D8). However, we advise that this is in relation to emissions to air, land and water only and does not consider factors such as odour, noise and vibration which may need to be considered by your authority.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect

other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

### **PCC-Built Heritage Officer Fri 23 Aug 2019**

19/0743/FUL Erection of 2 no. poultry buildings and associated infrastructure Llanshay Farm Llanshay Lane Knighton Powys LD7 1LW

Recommendation No objection - subject to usual landscaping conditions and roof colour.

#### Background to Recommendation

#### Designation

Cadw ID 9034 Llanshay Farmhouse included on the statutory list on 30/09/1995  
Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995

#### Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

#### Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially

if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Llanshay Farmhouse is located approximately 3/4 mile SE of Knighton, set back on an uphill site and facing south. The house is mainly C19 roughcast front to house with earlier, probably C15 and C17, interior and origins 1-storey and attic with 2-storey cross range to left.

The long barn to south of Llanshay Farmhouse is later dated 1811 on plaque to west gable end. Very long coursed rubble barn partly weatherboarded to upper floor of east end.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity
- o non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact. Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 with advice on how to assess the setting of historic assets . Section 1 of the guidance on Setting of Historic Assets identifies that setting often extends beyond the property

boundary of an historic asset and in to the surrounding landscape or townscape. The setting of a historic asset can include physical elements of its surroundings, for instance the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields.

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The farmhouse and barn are sited immediately outside Knighton on sloping land and are visible from various viewpoints including the A488 in Shropshire on the approach to Knighton, in proximity to Knighton railway station a listed building Historic England UID 1054940.

Llanshay house and barn are nestled halfway up a hill and the farmhouse is evident in the landscape when viewed from the north being rendered and white, the barn is less evident being stone.

When viewed from the A488 the farmhouse is visible as are the more recent barns erected to the south of the farmhouse and barn on higher land. I note that the Landscape and Visual Impact Assessment does not address the more long distance views from the English side of the border where some of the best views of the farmhouse can be sought.

From the A488 when viewed from the vicinity of Stud Farm, the white coloured Llanshay farmhouse is readily apparent, as are the new barns sited above it to the south, however the contours of the land and Fronhir Wood will screen the new buildings to a considerable degree. I also note the location of the proposed buildings adjacent to an existing hedge, on relatively flat land. I note that the silos are to be sited on the eastern edge of the buildings which will afford the greatest screening from Fronhir Wood.

The proposed access road has the potential to impact on the setting of the listed buildings, however due to topography the proposed access road is curved and when viewed from the A488 from the vicinity of Stud Farm the access road will be well screened.

The access onto the A4113 is existing but will be improved, and it is noted from that viewpoint due to the levels of the land and the hedge Llanshay Farm is not readily

apparent and as such the access road will not affect the setting of Llanshay farm at that viewpoint.

Taking into account the topography vegetation and existing farm buildings on site I would not consider that the medium-long distance view of Llanshay farmhouse from the A488 from the vicinity of Stud Farm would be harmed by the proposed buildings.

There is a view of Llanshay farm from the vicinity of the railway station at the junction of Kinsley Road, Station Road and the A488. The listed farmhouse is viewed with the backdrop of field to the rear (south) , the more modern sheds are not so readily apparent from this location, and the fields form an important backdrop to the historic town. This medium to long distance view over the roof of buildings adjacent to the railway could potentially permit a view of the roof of the proposed buildings with the current landscaping. However, the distance from the farm is noted, the topography, the existing hedgerows and a cluster of trees which is assumed was a former hedgerow and taking all those factors into consideration it is considered that should there be any harm from this viewpoint it would be slight and could be alleviated by mitigation. I note that the existing hedgerow is high and would appear to screen the vast majority of the building, and note the proposed landscaping to the south, and would request that consideration be given to the colour of the roof to be absorbed into the landscaping. It is considered that a blue slate grey such as B 18B28 would be desirable in this instance.

With the caveat that the existing hedges are to be retained as per Site plan A1 and additional planting as proposed, subject to appropriate landscaping conditions and consideration of the roof colour, I would not consider that given the distance and topography that the proposal would harm the setting of the listed building when viewed from the vicinity of Knighton railway station.

There will be short term views of the building when viewed from Llanshay Lane. However the buildings would not be sited adjacent to the lane, the field is lower at that point and there is planting proposed to the south and west of the buildings. However at this viewpoint Llanshay Farm and barn is at a lower level and not visible from Llanshay Lane. Similarly when in close proximity to Llanshay Farm and barn on Llanshay Lane the proposed site is not visible, and as such it is not considered that the short term views of the setting of the listed farmhouse and barn would be harmed by the proposed development.

Subject to the usual landscaping conditions and consideration of the roof colour, I would confirm that I would not consider that the proposal would harm the setting of Cadw ID 9034 Llanshay Farmhouse and Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995 in either short term views from Llanshay Lane or medium-long distance views from the A488.

**Welsh Water Fri 23 Aug 2019**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

**CATCHMENT** This planning application falls within a Drinking Water Protected Area under Article 7 of the Water Framework Directive. This Article requires the UK to take action to protect drinking water sources. Section 7.3 states that the aim is 'to avoid deterioration in water quality where this may lead to additional purification treatment being required. The site is located within a DCWW Drinking Water Catchment known as 'Teme at Whitbourne'. The farm is 81.85km down gradient of our abstraction point at Whitbourne WTW with a travel time of 22hours. The importing farm at low Penwardine is 72.17km with a travel time of 23hours to Whitbourne WTW. Please note distances and travel times are approximate. With regard to this application, Dwr Cymru Welsh Water presumes that relevant authorities have been consulted, including Natural Resources Wales, to ensure compliance with current regulations and best practice guidelines are being followed in respect to any new building and maintenance of this installation. We would like to reiterate to the applicant that the facility is within a Drinking Water Catchment and trust that all the particulars from the permit will be followed during the lifetime of the treatment plant.

DCWW would like to request further information from the applicant to assess the impact of the proposed development on drinking water quality: 1. During the clean down process will any chemicals be used? If so what are they and what do they contain? 2. What mitigation and management has been proposed with regards to the foul water tank and clean water tank over their lifetime? What is in place to prevent, identify, mitigate and monitor potential leakage of tanks?

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

### **Town Council Fri 23 Aug 2019**

Knighton Town Council at its meeting last night by majority recommended approval of this application subject to the conditions in Natural Resources Wales concerns are met in their letter of 8th July

### **Wales & West Utilities - Plant Protection Team Wed 14 Aug 2019**

With regards to your below request, this is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)  
Telephone: 0800 688588

### **Natural Resources Wales (Mid Wales) DPAS Wed 10 Jul 2019**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 07/06/2019.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the scheme can meet the following requirements and you attach the condition listed below. Otherwise, we would object to this planning application.

Requirement 1 - re-calculation of manure management to include all manure for the complete 12 month period

Requirement 2 - Further survey work for great crested newts, as recommended by the report

Requirement 3 - Submission of a long term great crested newt mitigation and compensation scheme

Subject to the satisfaction of this Requirements, we would request the following condition:

Condition 1 - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

i i) Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)

ii ii) Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')

iii iii) Manure Management Plan (subject to the satisfaction of Requirement 1)

#### Manure Management Plan

We have reviewed the Manure Management Plan ('Manure Management Report', Company name: ADAS Ltd. by Cyswllt Ffermio Farming Connect dated 1st November 2018) submitted in support of this proposal.

The correct Nitrogen emission factors have been used. The risk maps have included the correct buffers to sensitive receptors. A contingency plan has been included for contaminated wash water and for water contaminated from disease outbreak and the proposed dirty water tanks will be SSAFO compliant.

The nitrogen calculations only calculate the livestock for the housed period.

Requirement 1 - re-calculation of manure management to include all manure for the complete 12 month period

The nitrogen calculations produced by all livestock on the farm will need to be calculated for the complete 12 month period, regardless of being housed or not.

Calculations of the nutrient loading for all manures generated over a 12 month period, and the land which may receive this either by spreading or from grazing deposition must be included, so to assess against the maximum guide of 250kgN/ha/yr farm limit. This is likely to result in increases in the quantity of manure which needs to be exported.

It is proposed that poultry manure will be stored in concrete floored cattle buildings prior to spreading. If manure is to be stored in a structure like a cattle building, this must meet the storage standards of SSAFO.

#### Protected Species

Great crested newts and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

We have reviewed the ecological report (Emms, C and Barnett, L (2019). Preliminary Ecological Appraisal: Llanshay Farm, Llanshay Lane, Knighton, Powys. Craig Emms and Linda Barnett. Unpublished) submitted in support of this proposal.

We consider the survey and assessment is satisfactory for bats, dormouse, water vole and otter. We do not consider the proposal is likely to be detrimental to the maintenance of the favourable conservation status of any local population of bat, dormouse, otter or water vole.

We understand that preliminary great crested newt surveys have been undertaken. The report advocates further survey work is undertaken. We agree with this recommendation.

Requirement 2 - Further survey work for great crested newts, as recommended by the report

Requirement 3 - Submission of a long term great crested newt mitigation and compensation scheme

We will be able to provide further advice on great crested newts upon the receipt of this additional information. Upon submission of a satisfactory mitigation and compensation scheme, we are likely to condition its implementation.

Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emission (ammonia and nitrogen deposition). This proposal has been assessed under the pre-April 2017 thresholds, as the NRW Permitting have confirmed a Permit application was received before this date. NRW has assessed the proposal using the screening criteria of any Site of Special Scientific Interest (SSSI) within 5km of the unit, and any Special Area of Conservation (SAC)/Special Protection Area (SPA) within 10km of a poultry unit.

The report states there are 3 SSSIs within 5km of the proposal, which are:

- o River Teme
- o Gernaffel Dingle
- o Brampton Bryan Park

The report also states part of the River Clun SAC are within 10km of Llanshay Farm.

The report has assessed the proposal using the 1 $\mu$ g/m<sup>3</sup> critical level for each site.

The background ammonia concentration (annual mean) near the proposed poultry unit and the wildlife sites is 1.34 $\mu$ g/m<sup>3</sup>. The background nitrogen deposition rate to woodland is 27.02kgN/ha and to short vegetation is 16.24kgN/ha. The source of these background figures is the Air Pollution Information System (APIS) March 2017.

The report concludes the process contribution from the proposal would be below the thresholds we apply in our assessment of potential impacts on protected sites.

Drainage Plan

We have reviewed the drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.) submitted in support of the proposal.

The plan shows the clean and dirty water being drained separately. The dirty water will drain to a SSAFO certified dirty water tank. The clean surface water will drain to an attenuation pond before being discharged to a small watercourse.

Provided the drainage plan is built in accordance with this plan, the proposal is unlikely to cause pollution to the wider environment.

### Pollution Prevention Plan

We have assessed the pollution prevention plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton') submitted in support of the proposal.

Provided the construction works and site operations take place in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

### Advice for the Developer:

#### Environmental Permit

We note a copy of the Environmental Permit for this proposal has been submitted, referenced [EPR/AB3593ZL](#).

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

#### Foul Drainage

We note a package treatment system is to be installed to serve the control building. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk).

#### Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and

environmental assessment' available on our website:

<https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

#### Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

#### Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### **Hafren Dyfrdwy Mon 24 Jun 2019**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

### **Town Council Thu 20 Jun 2019**

Knighton Town Council agreed to recommend approval of this application by majority if carcasses are frozen upon death and the carbon footprint is kept to a minimum with the introduction of solar panels etc

### **PCC-Rights Of Way Senior Manager Mon 17 Jun 2019**

Further to the amended location plan, Countryside Services wishes to amend its comments on this application.

The re-sited attenuation pond is now proposed to be away from the above bridleway, but the applicant must ensure that the any landscaping works associated with the attenuation pond and the ponds outfall do not obstruct or encroach upon the bridleway.

The pipe used to drain the pond into Caleck's Pool should be an appropriate size and strength, and buried at an appropriate depth, to not cause a hazard to users of the public right of way; and the surface must be reinstated to at least its current condition or better.

The applicants can apply to the Authority to temporarily close the public bridleway during development if they feel that they that they cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

As such, Countryside Services wishes to remove its holding objection to the development, subject to the advice above being part of the approved plans, if planning is granted. If the applicant wishes to have a site visit with Countryside Services please contact, us direct.

### **PCC-Rights Of Way Senior Manager Wed 12 Jun 2019**

Thank you for the opportunity to comment on this planning application.

The proposed development directly effects the above bridleway, and if built as per the applicants plans the attenuation pond will obstruct the bridleway. Countryside Services therefore wishes to submit a holding objection, and advises the landowner to either re-site the attenuation pond or submit an application to us to divert the bridleway to an alternative route.

It is therefore strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

We would therefore advise that advice is sought from Countryside Services before any development begins.

### **Wales & West Utilities - Plant Protection Team Tue 11 Jun 2019**

With regards to your below request, this is not Wales & West Utilities area.

### **CPAT Tue 11 Jun 2019**

I can confirm that there are no significant direct or indirect impacts resulting from the proposed poultry sheds at this location and we would have no objection.

## **PCC-(M) Highways Tue 11 Jun 2019**

1. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
2. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
3. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
4. Prior to the first operational use of either poultry building the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
5. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
6. The width of the access carriageway, constructed as Condition 3 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
7. Any vehicular entrance gates installed within the application site shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. No surface water drainage from the site shall be allowed to discharge onto the county highway.

**Welsh Water Mon 10 Jun 2019**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

**Shropshire Council - Planning**

Consulted but no response received.

**Herefordshire Council**

Consulted but no response received.

**Natural England**

Consulted but no response received.

**Environment Agency**

Consulted but no response received.

**Cadent Gas**

Consulted but no response received.

**Public Health Wales**

Consulted but no response received.

**Representations**

There have been 60 representations of objection and 35 representations of support for the development.

*Summary of the grounds of objection*

- The development does not accord with guidance, policy or legislation.

- Powys County Council will fail in its duties should the development be permitted.
- Concerns with NRW's use of outdated guidelines. Suggestion that PCC must use most up to date guidance.
- LVIA not undertaken in accordance with up to date best practice, includes inaccurate information and has omissions regarding relevant considerations. Landscape character has not been assessed. Mitigation in the form of planting suggested but landscaping plans not available.
- Impact to amenity – reports within the ES have not taken account of permitted housing developments within close proximity to the site.
- Loss of trees to form new roadway – ancient trees that are important to wildlife.
- A section of private road does not benefit from permitted development and therefore does not have permission as it is not included within the application.
- Contamination of surface water including the River Teme - Run off from Manure spreading and during cleaning of the sheds.
- Unacceptable impact to sensitive sites.
- Impact to insect and bird populations – Article from the Guardian Newspaper referenced.
- Powys has the highest concentration of poultry units in Europe.
- Impact to human health - Article from the Guardian Newspaper referenced and concerns raised over community acquired pneumonia.
- Nitrates and phosphates change the mineral content of soil which has an impact on plants and animals.
- Alternative manure management proposals suggested (send to an AD plant rather than spread on land).
- Impact to water supplies – IPU use large quantities of water.
- Intensive farming contributes toward global warming – importation of soy.
- Too close to the town of Knighton.
- Impact to Stanage Park.

- Increased traffic – impact to amenity from noise.
- Welfare of animals – inhumane way to rear livestock.
- Impact to tourism.
- Impact to use of right of way not evaluated.
- Queries over the validity of data within the submitted documents.
- The review document by Dr Bull must be a material consideration.
- The need for cheap meat questioned.
- IPU benefit the few to the detriment of many.
- Environmental risks cannot be addressed without a credible means of regulatory control over manure export arrangements.
- In conflict with aims of reducing carbon emissions and meeting climate change targets.
- Cumulative impact of other IPUs has not been fully considered.
- Potential for zoonotic transmission of viruses from animals to humans in intensive farming.
- Not sustainable farming – feed includes soya which has high environmental costs.
- The export of manure will have environmental implications with additional lorries on the road.

### **Planning History**

None for site

Adjacent to site

RAD/2004/0572 - Outline: Amended application for residential development of 103 dwellings, vehicular access and associated engineering works (all matters reserved) Approved August 2019.

P/2012/0573 | Full: New site access road from A4113 to the Llanshay Lane and the creation of passing places to enable access to the consented Reeves Hill Windfarm –

withdrawn

AGRI/2017/0096 - Construction of a new farm track – No planning permission needed.

## Principal Planning Policies

### Future Wales - The National Plan 2040 (2021)

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11) 2021		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026

DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape (2019)	
SPG	Historic Environment (2021)	

### **Other Legislative Considerations**

Environment (Wales) Act 2016.  
 Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

## **Officer Appraisal**

### ***Town and Country Planning (Environmental Impact Assessment) Regulations 2017***

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 lists types of development and thresholds to define where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations; Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

The proposed development falls within the definition of Schedule 1 (17a) – *‘Installations of the intensive rearing of poultry and pigs’* as it exceeds the threshold of 85000 broilers. Therefore, an Environmental Statement is mandatory to accompany this planning application, which has been processed as EIA development in accordance with the 2017 Regulations.

### ***Environmental Permitting Regulations***

The operations at the site require an environmental permit issued by Natural Resources Wales. This is required on the basis that the number of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales’ role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution.

It is noted that the applicant has already been granted an Environmental Permit for the operation of this proposal under reference EPR/AB3593ZL. Given the proposed changes to the planning application in 2021, it is likely that the details within the permit application vary to that contained within the planning application and it will be the responsibility of the landowner or operator of the units to ensure compliance with both regimes.

With regards to the extent the presence of a permit is relevant to the current planning application, Planning Policy Wales states that *‘The planning system should not be used to secure objectives which are more appropriately achieved under other legislation. The aim should be to maintain the principle of non-duplication, wherever possible, even where powers and duties resulting from other legislation may also be the concern of local authorities. This does not mean failing to address issues which the planning system should be properly concerned with’*. It specifically states that *‘the granting of other consents should not be used to justify the granting of planning permission’*.

Therefore, whilst it is acknowledged that the development does benefit from an environmental permit, the planning application must be considered on its merits taking account of all material matters, even where they overlap the considerations of a permit, and the presence of a permit cannot be used as a substitute for the full and proper consideration of those planning matters.

## ***Section 38 (6) of the Planning and Compulsory Purchase Act 2004***

This application has been considered in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### ***The Scheme***

The development relates to the erection of two broiler rearing units accommodating 110,000 birds in total. The buildings will measure 104m by 24.7m with a ridge height of 6.282m. Each poultry house has an attached control room and catching canopy on the east elevation extending to 14.35m x 3m; and air scrubbers attached to the west elevations measuring 24.7m x 7.5m and 7.21m at their highest point. The development will also include the provision of associated feed bins, a feed blending room, a steel container to accommodate a ground source heat pump, hardstanding areas, plant room, underground dirty water tank, water tank, gate house, 3 gas tanks, a backup generator and drainage to an attenuation pond. Access will be taken from the A4113 via an existing entrance and along an approved agricultural access permitted under reference AGRI/2017/0096, an existing agricultural track and then via a new section of private roadway (all of which is included in the application site area).

### ***Site Location***

The development will be located south-east of the existing dwelling and farmstead at Llanshay Farm and will be an isolated form of development in the open countryside. The site is currently an agricultural field with agricultural land to the north, south and east. To the west of the site, there is Llanshay Lane, a minor county highway. The application site is approximately 700 meters from the existing built form and residential areas of Knighton at its closest.

### ***Policy Context***

Future Wales is the national development plan framework for Wales. Its focus is on national and regional spatial issues and as such, whilst its policies will need to be considered, the Local Development Plan policies provide the detailed development management framework in the vast majority of cases.

Planning Policy Wales Edition 11 (PPW) confirms the key principles for the planning system in Wales. It establishes what development plans and decisions taken by the planning system must achieve and how development should be shaped to deliver the best possible outcomes. It is the Welsh Government's primary statement of planning policy and it is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters.

The primary objective of PPW is to ensure that the planning system contributes towards

the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. In order to achieve this, it requires decision makers to embrace the concept of placemaking. Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Finally, Local Development Plans must be prepared in accordance with national planning policies and provide certainty for developers and the public about the type of development that will be permitted at a particular location. By determining applications in line with the Development Plan and other material considerations, Local Planning Authorities will be promoting the delivery of sustainable development.

### ***Principle of Development***

Planning Policy Wales as well as Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside. Local Development Plan (LDP) policy SP6 regarding the distribution of growth recognises that agricultural development will occur in the open countryside and details that such proposals will be assessed against national policy and all other relevant policies of the plan.

Planning Policy Wales suggests that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. However, it is also recognised that care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

LDP Policy E2 supports proposals for developments that are appropriate in scale and nature to their location and are supported by a business case which demonstrates that its location is justified. It is accepted that poultry rearing is a land based business that requires purpose built buildings on farms that propose to run them.

In addition, policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses either individually or through cumulative impact. Policy E6 seeks to encourage diversification to take place within existing buildings in the first instance, or adjacent to an existing farm building complex where this cannot be achieved. Whilst it is noted that the proposal would be an isolated form of development, it is recognised that intensive poultry units require bespoke buildings and due to their scale, there are often site constraints that lead to the most appropriate siting of the unit

being detached, particularly when taking all material matters into account.

Therefore, subject to all other material planning matters being acceptable, the principle of the development at this location is considered to be acceptable in accordance with the planning policy framework detailed above.

### ***Need and benefits***

It is generally accepted that poultry units on existing farm enterprises are an appropriate form of diversification. The applicant currently operates a traditional sheep farming enterprise within Powys which extends to 188 hectares and includes 100 suckler cows and 900 breeding ewes.

The applicant argues that the demand for UK produced chicken is rising (around 3% per annum) and currently only 80% of UK consumed chicken is produced in the UK. With a number of processors in the UK now expressing a commitment to cease reliance on imported chicken, and move to a majority of British, there is a need and strong market for the production of British reared chicken, as proposed within this application. The UK broiler industry currently produces approximately 21,000,000 birds per week with imports representing the equivalent of 5,000,000 birds per week. These figures have not been verified by the Local Planning Authority.

Although actual job creation has not been detailed within the application, it has been noted that employment will be created via both the construction and operational phases of the development and the scheme represents an investment of approximately £1,500,000 in the construction of the site.

Supporters of the application welcome the economic benefits it will bring to the locality.

### ***Principal Matters***

Taking into account the details submitted in respect of the development, the principal matters relevant to determination are considered in turn below.

### ***Landscape and Visual Impact***

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside of settlements defined in the Settlement Hierarchy will only be permitted where they would not have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape and would be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its topography, development pattern and features, historical and ecological qualities, open views and tranquillity. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where significant impacts are likely on the landscape and/or visual amenity and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual

amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

The Environmental Statement includes a Landscape and Visual Impact Assessment which has accompanied the application. It is acknowledged that the assessment has not been updated to take account of some later changes to the application including the provision of air scrubbers and the inclusion of part of the access track which has previously had approval under an agricultural notification. However, officers consider that the changes do not significantly alter the nature or overall scale of the development such that would lead to different conclusions being drawn as a result of the assessment and otherwise the methodology employed sufficiently accords with best practice principles for its use in the consideration of the planning application. The report concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have an overall weighted medium landscape character sensitivity. The proposals would have a magnitude of landscape impact that could be considered small as they are not uncharacteristic when set within the attributes of the existing landscape. Therefore, the significance of landscape effect can be considered minor; i.e. not significant.

With regards to visual impact, the report concludes that the visual effects are minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme. The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate. i.e. significant, from a viewpoint close to the site boundary. Mitigation in the form of additional tree and hedgerow planting, maintenance of existing vegetation and the colour of the building being green has been suggested. With suitable mitigation measures, the development is considered to have a minor visual impact i.e. not significant.

LANDMAP has designated the landscape as follows:

Geological Landscape – Moderate  
Landscape Habitat – Moderate  
Visual and Sensory – Moderate  
Historic Landscape – Outstanding  
Cultural Landscape – High

Within the visual and sensory layer of LANDMAP, the landscape has been described as having rolling hills and valleys with strong pastoral field patterns. There are wooded watercourses, scattered trees and small woodlands with scattered farms. The landscape is described as being typical of Radnor. The application site and immediate surrounding area fits the description of the aspect area well in terms of its characteristics.

It is noted that the Historic Landscape layer has an overall 'outstanding' value and is described as *'An area dominated by large and historically (and nationally) important area of early 19th century parkland, designed by Humphry Repton. Surrounded by a*

*predominantly post medieval fieldscape in good condition*'. Whilst the proximity to Stanage Park and the connections with Humphry Repton are noted, as are the comments from a third party on this matter, it is not considered that the proposed development affects the noted qualities that give the aspect area its overall evaluation to any extent that would warrant an objection on this matter.

Whilst acknowledging the scale of the proposed poultry units in terms of floor area, the buildings are considered to have a relatively low profile reaching a maximum height of 7.21 metres. The tallest of the ancillary structures will be the feed silos that reach a height of 7.53 metres. Given the location of the development, undulating character of the surrounding landscape together with existing and proposed landscaping, it is not considered that the siting of the proposed buildings and associated infrastructure will adversely affect the character and appearance of the landscape from visual receptors and there are no viewpoints from which the proposed development would be seen with another intensive livestock unit in order to add to any cumulative visual impacts from such developments.

LANDMAP acknowledges that farmsteads are a common feature of the aspect area and whilst Officers accept that a large-scale agricultural development is proposed, it is considered that its siting and appearance will not significantly detract from the noted landscape qualities. Similarly, with regards to cumulative impacts, whilst there are other intensive livestock units in the area (the closest being at a distance of 1.2kms) officers do not consider that the proposed development would give rise to any cumulative landscape impacts taking account of the nature of the development, the receiving landscape and the extent of other development in the area. Officers concur with the conclusions of the LVIA and raise no objection with regards to landscape and visual impact also taking account of cumulative impacts and any impact experienced outside of Powys. Consultation has taken place with adjoining local authorities but no responses have been received.

The proposed agricultural units will be accessed by a combination of existing farm track, a section of track which was the subject of an agricultural notification (AGRI/2017/0096) and a new section of track. The red line of the application has been amended to clarify that the whole proposed access track is included within the application. The visual and landscape impact of the whole proposed access track which will provide access to the poultry development has also been considered by officers who consider that the landscape and visual impacts of the access track will be acceptable taking into account its siting, scale and nature within an existing agricultural setting. Furthermore, it is accepted that it is necessary to provide a suitable access to the poultry units and the agricultural holding.

Trees are a material consideration in the planning process and it is noted that the development will necessitate the loss of a small number of trees to facilitate part of the access track development. It is recognised that trees can have ecological, amenity and cultural value and that both local and national planning policy seeks to protect trees that offer significant benefits in these regards. However, despite the loss of a small number of trees to facilitate the access road, the majority of existing tree coverage within the

immediate vicinity will remain and will continue to offer ecological, cultural and amenity benefits. Furthermore, the development of this specific piece of track was the subject of an agricultural notification (AGRI/2017/0096) where the LPA resolved that prior approval was not required and therefore can now lawfully proceed independent of the current planning application.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. It is recommended that any consent is subject to appropriate conditions restricting the colour of external materials as well as securing the implementation and retention of existing and proposed landscaping. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13, E6 and DM2 of the Powys Local Development Plan.

### ***Amenity***

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. It is acknowledged that intensive livestock units have potential to generate noise impact from plant/equipment (extractor fans) and general operational activities whilst odour impact may potentially arise at any time during the cycle but particularly from the cleaning of the unit at the end of the bird cycle.

When considering the impact to amenity from intensive livestock units Planning Policy Wales states that the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

The planning application was subject to amendments in 2021 which now details that the buildings will be fitted with air scrubbers. This change has resulted in revised versions of the odour and plant noise assessment reports also being submitted in support of the application so full account can be taken of the effect of the development on these matters.

The proposed development has been located on a site relatively remote from residential receptors. The nearest non associated dwelling is approximately 440m from the centre of the sheds and is known as Law's Barn. It is also recognised that the town of Knighton is approximately 700 metres from the proposed development and a recently approved housing development (outline) has been permitted under reference RAD/2004/0572 approximately 500 metres north-west of the proposed poultry units.

### ***Noise***

The main noise emitting plant associated with the development will be the extractor fans. The proposal indicates the use of 14 gable end extract fans per shed (28 total) which will be linked to the air scrubber system and 3 roof mounted extract fans per shed (6 total). A plant noise assessment accompanies the planning application which has assessed the

ventilation extract fans (roof and air scrubber system) for the proposed broiler units in accordance with BS4142:2014. The report concludes that the roof fans will have a low noise impact and the air scrubber system will have a negligible impact for the closest non associated properties from the development.

Although the report does not take into account the recently approved housing development, given the distances, topography and available information, it is considered that the proposal would not have an unacceptable impact upon the occupiers of these potential units. The comments from objectors regarding the adequacy of the report are noted but it is considered that the report is sufficient to appropriately assess the planning application and its impact upon receptors.

The development will also generate increased traffic to and from the application site which has the capacity to increase noise at receptors. Traffic will access the site along a private road from the A4113 which runs within close proximity to the recently approved housing development. Given existing usage of the main road and the private road, the amount of increased traffic generated and the distance from the closest receptors, it is not considered likely that there would be any significant additional noise from traffic relating to the development.

The noise assessment has been undertaken on the basis of predicting the likely impact of the development against background noise levels. As such it inherently deals with the issue of cumulative impact with all other existing forms of development. Therefore, on the basis of the submitted noise assessment it can be concluded that there will be no cumulative noise impacts as a result of this development. Furthermore, there are no other permitted or proposed but not built developments (including intensive agricultural development) that are likely to have a cumulative impact with regards to noise.

### *Odour*

In terms of odour impacts, the nearest sensitive receptor is over 400m to the south-east from the edge of the application site area. The application is accompanied by a report that has used computer modelling to assess the impact of odour emissions on the nearest receptors. The modelling predicts that, should the proposed development of the poultry unit at Llanshay Farm proceed, the odour exposure would be below the Natural Resources Wales benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>, at all nearby residential receptors considered. It is noted that the report does not make reference to the newly permitted residential development as a receptor, however, given the distances, the locations of the two developments and available information, it is considered that the proposal would not have an unacceptable impact upon the occupiers of these potential units. In particular, the submitted assessment provides sufficient detail regarding discrete receptors around the site such that likely impacts can be inferred for the residential development and do not give cause for concern.

Members may take comfort that the inclusion of air scrubbers will have significant benefits

for reducing odorous particles that would otherwise be expelled from the buildings and the environmental permit was approved and considered acceptable without the use of air scrubbers.

A third party has submitted a review of the submitted odour assessment titled '*Marshes Planning, Llanshay Farm, Knighton Review of Odour and Ammonia Assessments*', project No. 014 version 2 dated 19 April 2021 by Michael Bull & Associates. As part of the planning process the Planning Authority seek the advice of our Environmental Health colleagues on matters relating to amenity, nuisance and pollution control. It is confirmed that the review report was made available to Environmental Health Officers prior to their latest response which does not offer any objections to the scheme. Officers note that the review report does not conclude that there will be, or are likely to be, odour impacts on a particular receptor or site but rather challenges assumptions regarding certain variables which could have some limited impact on the on the modelling results. Officers accept that the assessment is a prediction with a certain degree of limitation but consider the information provides a sufficient indication of likely effects on nearby receptors and are satisfied that amenity is unlikely to be unacceptably affected. Furthermore, the Environmental Health Department within Powys is familiar with poultry development of this scale and as part of their response they will have exercised their own professional judgement over the acceptability of the proposals in addition to considering the content of the submitted report. In this instance, it has led them to conclude that they have no objections to the development subject to the inclusion of a condition.

With regards to manure management, the application details that all manures and dirty water arising from the operation of the proposed development will be disposed of via export from the site to a licensed Anaerobic Digester Plant. A letter from Whitchurch Biogas Ltd detailing an offer of a contract to receive all of the poultry manure from the proposed poultry unit also accompanies the planning application as supporting information. As a contingency plan for when manure cannot be exported off site, it could temporarily be stored in an existing building on the holding.

On the basis that manure and dirty water will be exported from the site and will not be applied to the land at Llanshay, the potential for it to generate amenity concerns for nearby residents has been reduced. The Environmental Health Officer has also suggested that all manure exported off site shall be sheeted to minimise odour dispersion. On the basis that the measures set out in the Environmental Statement are adhered to, the proposal is unlikely to cause any unacceptable amenity impacts. In order to secure this, planning conditions have been recommended as detailed at the end of this report.

Objectors to the application have raised concerns that the letter from Whitchurch Biogas Ltd is not legally binding and have concerns that Whitchurch Biogas Ltd could be in breach of their planning consent if they were to accept the manure. Should permission be granted for this development, it would not permit the conditions of any existing consent from being breached and enforcement of controls will remain the responsibility of Shropshire Council as the Local Planning Authority. They have been consulted on this planning application and have not raised concerns regarding the arrangement.

The consideration of whether the manure would constitute 'waste' and require licences for transportation is not a matter for the Planning Authority as these regimes are managed by other public bodies with sufficient enforcement powers to ensure compliance should issues arise. In this instance, Officers consider that the current planning application presents a reasonable proposal to the issue of manure management – that it will be exported off site and not applied to the land at Llanshay Farm and thus is unlikely to raise amenity concerns for residents of nearby properties.

Given the extent of the predicted odour plume from the proposed buildings, the development is not considered to have a cumulative odour impact with any other developments.

#### *Dust*

Given the distances from sensitive receptors, it is considered unlikely that existing residents will be affected by dust from the development.

#### *Private water supplies*

It is considered that the development would not unacceptably affect private water supplies given that manure and dirty water from the unit will not be spread on land at Llanshay Farm and that the development has been designed with pollution control measures in place for its operation.

#### *Amenity Conclusion*

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of noise, odour, dust or the quality of private water supplies, both in terms of individual and cumulative impact. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policies DM13 and DM14.

#### ***Biodiversity, Ecology & The Environment***

Policy DM2 of the Powys Local Development Plan seeks to maintain and enhance biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations. Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

Under section 28G of the Wildlife and Countryside Act 1981 the Council has a duty in so far as the grant of planning permission is likely to affect the flora, fauna, or geological or physiographical features by reason of which SSSI is of special interest to take reasonable steps to further the conservation and enhancement of those features.

SSSIs -

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

The following National statutory designated sites are present within 5km of the proposed development:

- River Teme Site of Special Scientific Interest (SSSI)
- Gwernaffel Dingle SSSI
- Brampton Bryan Park SSSI

The planning application has been subject to revisions in 2021 and now proposes the use of air scrubbers on both of the proposed units. A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm produced by AS Modelling & Data Ltd dated 5<sup>th</sup> February 2021 has been submitted to inform the revised application. This states that the process contribution from the proposal at each of the SSSIs will be below 1% of Critical Level. Critical level is the level above which adverse effects on human beings, plants, ecosystems or materials may occur according to present knowledge.

NRW have reviewed the information provided within the report with regards to National - statutory designated sites and have confirmed that the revised application has now been assessed under the thresholds introduced by NRW on 1st of April 2017.

NRW have confirmed that the ammonia critical levels and nitrogen critical levels used in the assessment with regards to the Statutory designated sites present within 5km of the proposed development are considered to be correct and that the predicted process contributions would be below the thresholds applied by NRW to determine potential impacts to statutory protected sites.

NRW have also confirmed that they have considered the document completed on behalf of a third party which has reviewed the ammonia assessment completed on behalf of the applicant and that it does not alter their advice regarding aerial emissions and protected sites.

On the basis of the responses received, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites subject to the use of the proposed air scrubbers. The proposal is therefore considered to be

compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales. A condition has been recommended at the end of this report regarding the implementation of the air scrubber.

### *Protected Species*

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

A Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated May 2019 has been submitted with the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact features of biodiversity importance. The report has been reviewed and it is considered that the survey effort employed was in line with current best practice guidelines.

The assessment considers the likelihood for presence of protected or priority species including badgers, otters, bats, breeding birds, great crested newts, reptiles and dormouse. The survey has revealed that the site's habitats which will be affected by the works are common and widespread and are considered to be of low intrinsic biodiversity value. As such the proposed development would not adversely affect these species listed except for great crested newts for which further survey work was recommended. Further to the submission of the Great Crested Newt Survey Report, a Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated August 2019 has been produced. NRW has confirmed that they are satisfied that the submitted report is satisfactory for the purposes of informing the planning decision subject to the inclusion of a suitably worded condition to secure submission and implementation of an Amphibian Conservation Plan. In their response dated 12<sup>th</sup> July 2021, NRW have re-iterated their position as set out within their response dated 24<sup>th</sup> January 2020.

In light of the nature of the development combined with the habitats surrounding the development, the report has concluded that there is unlikely to be negative impact to protected species as a result of the proposed development subject to adherence to the recommendations identified. Appropriate conditions are detailed at the end of this report as recommended by NRW and the Council's Ecologist.

### *Ancient Woodland*

The biodiversity data search identified the presence of 46 parcels of Ancient Woodland within 2kms of the site.

With regards to Ancient Woodland the preliminary modelling indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's

lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> and the Critical Load of 10.0 kg/ha. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

In light of the above, it is not considered that the proposed development will have an unacceptable impact on Ancient Woodland.

#### *Local Wildlife Site*

It has been noted by the Council's Ecologist that there is a Local Wildlife Site present within 2km of the proposed development which has not been included in the ammonia and nitrogen deposition modelling. Whilst this non-statutory site has not been included within the assessment, the Ecologist has reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland and considers that this provides sufficient evidence to demonstrate that the predicted process contribution to the Local Wildlife site would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site. As such it is not considered necessary in this instance to require additional information to be submitted.

#### *Pollution Control*

Officers acknowledge that the proposal has the potential to pollute the environment through surface water runoff and associated construction and operational activities unless suitable control/mitigation measures are implemented. A number of third party representations have also been made regarding this issue.

Details of the proposed site drainage are identified within Section 10 of the Environmental Statement and detailed on the amended Drainage Layout Plan A1 drawing no. IP/TP/05C produced by Ian Pick Associates Ltd dated May 2021 and indicate that dirty and clean water will be kept separate. Dirty water e.g. from wash down will be collected in underground sealed tanks and disposed to Whitchurch Biogas Ltd.

Subject to implementation of the identified drainage proposals it is considered that the proposed development would not cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2. It is noted that objectors have raised concerns that the site will not be managed in a responsible way, however there is no indication that this would be the case and any breaches could be enforced by the Planning Authority or Natural Resources Wales as appropriate.

A Method Statement and Pollution Prevention Plan has also been submitted with the application. It is considered that the measures identified are appropriate and in line with current guidelines. The Ecologist has reviewed the information and considers that if the construction works and site operations are undertaken in accordance with this plan, the

proposal would be unlikely to adversely impact the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

It is recognised that the site is within a Drinking Water Protected Area under Article 7 of the Water Framework Directive. This Article requires the UK to take action to protect drinking water sources. However, compliance with current regulations and best practice guidelines as detailed within the application will ensure the protection of drinking water sources can be maintained. Appropriate conditions and an informative are recommended at the end of the report.

Having carefully reviewed the information submitted, both NRW and the County Ecologist have confirmed that subject to appropriate conditions being attached securing adherence to the submitted documents, it is not considered that the proposed development would have an unacceptable adverse impact on the surrounding environment by reason of pollution.

### *Biodiversity Enhancements*

Part 1 Section 6 of the Environment (Wales) Act 2016 requires LPAs to seek to maintain and enhance biodiversity through the planning process. Furthermore, the Welsh Government wrote to all planning authorities in Wales to clarify that '*where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission*'.

It is recognised that the application proposes the loss of a small number of trees and two small sections of hedgerow to facilitate access, however, the application demonstrates a net gain to biodiversity as a result of the development through enhancements for birds, bats, hedgehogs and great crested newts as well as additional planting. Overall, it is considered that the proposals are sufficient to ensure that the LPA has met its duty under Part 1 Section 6 of the Environment (Wales) Act 2016.

### *Biodiversity, Ecology & the Environment Conclusion*

Having carefully considered the proposed development, Development Management does not consider that the proposed development will have an unacceptable adverse impact on designated sites, protected species or the environment, both in terms of individual and cumulative impact. In addition, appropriate levels of biodiversity enhancements have been included within the application for birds, bats, hedgehogs and great crested newts. As such, the proposal is considered to be in accordance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5, Planning Policy Wales and the Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016.

## ***Highway Safety and Movement***

Policy DM13 confirms that applications must demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. In accordance with policies DM13 and T1, development proposals are expected to meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Access to the site will be provided by the existing access to the A4113 which is located approximately 700m to the north-west of the application site and serves an existing HGV depot. The junction with the A4113 is located within a 40mph speed limit and provides good levels of visibility in both directions. Beyond the depot, permission has been granted under reference AGRI/2017/0096 for the construction of a new section of road to link into the existing network of internal farm roads within Llanshay Farm. There is also another new section of road to be created from an existing track to the poultry units. This is approximately 300 metres in length. The application is also accompanied by a breakdown of associated traffic movements and the type of vehicles used for each activity.

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions which are detailed at the end of this report to ensure that the existing junction of the private road onto the A4113 accords with the appropriate standards. Given the comments received from the Highway Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement, and there is sufficient capacity within the existing highway network to absorb the traffic created as a result of this development. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

## **Cultural Heritage**

### *Listed Buildings*

The Planning Authority is required have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The closest listed buildings to the development are Llanshay Farmhouse and the Long Barn at Llanshay Farm. Due to the topography of the land, there will be no direct visibility between the development and the listed buildings. However, the scheme, including the proposed access track, has been assessed by the Council's Conservation Officer from a number of viewpoints including the A488 by Stud Farm, Knighton Railway Station and

from Llanshay Lane.

Subject to the use of landscaping conditions and consideration of the roof colour, it has been concluded that the proposal would not harm the setting of Cadw ID 9034 Llanshay Farmhouse and Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995 in either short term views from Llanshay Lane or medium-long distance views from the A488.

#### *Conservation Area*

The building is located approximately 1400 metres from the Knighton Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Given the location of the building in the open countryside, the significant distance between the development and the conservation area as well as the lack of direct views of the development from the conservation area, it is concluded that the development would cause no harm to the character or appearance of the conservation area or its setting.

#### *Scheduled Ancient Monuments*

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is not considered to have any direct or indirect impact on Scheduled Ancient Monuments or archaeology, a view also expressed by the Clwyd Powys Archaeological Trust.

#### *Registered Historic Park and Garden*

Stanage Park is listed on the National Register of Historic Parks and Gardens in Wales. It is located approximately 1600 metres distance from the proposed development at Llanshay Farm at its closest point. There are no direct or indirect views between the proposed development and the asset of Stanage Park.

At both pre application and initial consultation on the planning application stages, Cadw, the statutory consultee for Registered Historic Parks and Gardens, offered no objection comments to the proposed development. In their response dated 29<sup>th</sup> January 2020 Cadw commented that *'I understand that the ammonia produced by this development could increase levels in the Grade 1 Registered Stanage Park Historic Park and Garden to a level which could have an adverse impact on its trees and vegetation. Ammonia can have a significant impact on mycorrhizal fungi which have an important symbiotic relationship to parkland trees'*. In their response dated 28<sup>th</sup> May 2021, Cadw confirm that they have considered the third party review of the ammonia assessment submitted in support of the application and continue to have concerns *'that increased ammonia may have an impact on mycorrhizal fungi leading to an adverse effect on historic trees in the historic park and garden'*. They confirm that they do not have the in-house expertise to determine the accuracy of the ammonia assessment and the impact of increased ammonia on the

registered historic park and garden and have suggested that the Local Planning Authority should seek the advice of NRW on this matter. Officers have made NRW aware of the response from Cadw. The response from NRW does not make specific reference to the Cadw comments but it does confirm that the content of the third party report has not led them to a different conclusion with regards to aerial emissions and the resultant impact to protected sites. On seeking further clarification, NRW have provided a copy of a letter they sent to the Welsh Government dated 9 June 2020. The letter confirmed that neither APIS nor NRW had any data suggesting critical levels or loads for mycorrhizal fungi. It acknowledged that there was a potential that due to nitrogen deposition on mycorrhizal fungi that eventually the ecosystem of a parkland tree or ancient woodland wood be lost. NRW advised that following the published guidance it was reasonable to use ancient woodland as a proxy to undertake a screening assessment for the potential impacts of the proposed development to the parkland at Stanage Park. The letter went on to confirm that the process contribution from the proposal was significantly below the screening threshold in published guidance of 100% of Critical Level. Officers note that the process contribution of the proposal is now lower due to the effects of the air scrubber.

With regards to the Cadw comments, so far as officers are concerned, their response appears to be based on a misunderstanding of the submitted information. For instance, the Cadw response suggests that *'ammonia levels of more than 0.01 ug/m<sup>3</sup> may have an impact on mycorrhizal fungi'* However, as confirmed by NRW there are no recognised Critical Levels for mycorrhizal fungi. As confirmed by NRW with regards to the impacts to the parkland trees, therefore, a more appropriate proxy would be to use the Critical Levels associated with ancient woodland which for some particular sensitive sites may have a Critical Level of 1 ug/m<sup>3</sup>. 0.01 ug/m<sup>3</sup> is therefore 1% of the Critical Level. This 1% level is merely a regulatory threshold that is normally considered negligible or insignificant for assessment purposes. Exceedance of this threshold does not imply significance or harm, it is exceedance of the Critical Level itself that may cause harm which would be a factor 100 times higher and which would require further consideration. In this instance the aerial emissions modelling includes receptors within Stanage Park and identifies that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would be below 1% of the precautionary Critical Level of 1.0 ug/m<sup>3</sup> and the Critical Load of 10.0 kg/ha, it is therefore considered that the potential impacts of the proposed development to the Stanage Park – Historic Park and Garden are within the levels considered to be acceptable by recognised current guidelines. Therefore, based on the advice given by NRW officers do not consider it likely that the proposal will have an effect on parkland trees at Stanage Park.

It is recognised in line with PPW that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application. However, in this instance, the objections received from Cadw appear to be based on a misunderstanding of guidance and cannot be supported. It is important to note that Cadw are a statutory consultee in relation to the historic environment, not in relation to ecological impacts and

have not provided any evidence to demonstrate that the proposal would have an unacceptable impact.

Therefore, whilst the comments from Cadw have been considered, there is no evidence that they are soundly based and should not be supported. Officers have concluded that the proposed development would not have a significant effect on Stanage Park, its setting or the setting of the Registered Park and Garden. In reaching that conclusion, consideration has also been given to the comments made within third party representations regarding the scale of the setting of Stanage Park incorporating a large area of local landscape including the site in question, however, it is considered that this has been appropriately assessed within the landscape section of this report where it is resolved that the impact of the development is acceptable.

### *Cultural Heritage Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is not concluded that the proposed will have an unacceptable adverse impact on the setting of listed buildings, the setting of a conservation area, scheduled ancient monuments, archaeology or registered parks and gardens. In light of the above, Officers consider the proposed development to be in accordance with policy SP7 of the Local Development Plan, TAN 24 and Planning Policy Wales.

### ***Public Rights of Way***

Local Development Plan Policy DM13 criterion 9 states that proposals will only be supported where the public rights of way network are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary. Policy SP7 lists the public right of way network as a recreational asset and states that development proposals must not have an unacceptable adverse impact on the asset or its operation.

Countryside Services have commented on the application and have highlighted the landowner's legal responsibility towards the right of way network. The proposed plans indicate the intention to carry clean water under the public bridleway to Caleck's Pool. In order for the applicant to carry out these works within the highway, a temporary Traffic Regulation Order (TRO) will be needed to allow for a safe working area during works and appropriate reinstatement of the surface to a standard appropriate for a bridleway.

Whilst concerns raised over the impact of the development on users of the nearby rights of way, tourism and visitors are noted, it is considered that sufficient distance is retained between the proposed development and the public rights of way to ensure that the development would not negatively impact upon any users.

As such the proposed development is considered to be compliant to policies SP7 and DM13 of the Powys Local Development Plan and Planning Policy Wales.

### ***Impact on Tourism Assets***

Policy DM13 of the Local Development sets out that developments must not have an unacceptable impact upon existing and established tourism assets and attractions. The Council is committed to safeguarding tourism in Powys as the significant contribution it makes to the local economy is recognised. As such, new development proposals should not decrease the attraction to assets important to the tourism offer.

It is noted that the development is in close proximity to Knighton, a town that contains some visitor attractions and accommodation. The third party representations in relation to this matter are also noted but it should be highlighted that they make no reference to any specific tourist attractions or assets that are likely to be impacted as a result of the development. As noted within the amenity section of this report, it is not considered that the development will lead to any significant detriment to amenity. In addition, this report notes that there will be no significant harm with regards to landscape and visual impacts, or unacceptable impacts to the enjoyment of the rights of way network. In light of this, it is concluded that the proposal is unlikely to lead to any impact to the appeal of Knighton as a visitor attraction.

### ***Flood Risk and Surface Water Drainage***

The application has been accompanied by a Flood Consequence Assessment. The development is shown to be within Zone A on the Development Advice Map i.e. beyond the 1:1000 year fluvial flood extent (not at risk from fluvial flooding).

The risk of surface water flooding is generally very low at the site. NRW flood risk maps do not show any areas of potential surface water flooding, or indeed any indication of topographical depressions which may influence surface water flooding at the site. To manage surface water effectively on site, an attenuation pond is proposed to the north of the site.

With regards to surface water management associated with the proposed development, as the construction area of the proposed development would exceed 100m<sup>2</sup>, the development will require approval from the SUDs Approval Body.

Based on the information available, the development would accord with the provisions of the Local Development Plan, in particular, policies DM5 and DM6 as well as Technical Advice Note 15 and Planning Policy Wales.

### ***The Best and Most Versatile Agricultural Land***

It is recognised that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future as set out within Planning Policy Wales (Edition 11). Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is

unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

In this instance, the site is mainly on grade 2 and partly grades 3a and 3b land. Whilst considerable weight has been given to the location of the site on such important land, it is noted that the site has been chosen taking into account its acceptability with regards to visual, environmental, cultural and amenity impacts. The site is considered to be the most suitable for the development within the applicant's ownership and the benefits of the development with regards to food production are considered to be an overriding factor in this instance.

### ***Minerals Safeguarding***

Mineral safeguarding areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal. LDP policy DM8 requires development proposals in mineral safeguarding areas to be subject to additional considerations to ensure that mineral resources are not needlessly sterilised by other development, and they remain accessible to future generations.

According to the aggregate safeguarding maps, there are no mineral implications as a result of the proposed development.

### ***Cumulative Impact***

Within a letter to all Chief Planning Officers dated 12<sup>th</sup> June 2018, Welsh Government highlighted the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, it states, *'while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account'*.

It also states that *'Intensive agricultural units particularly pig and poultry farms, can affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise.'*

All material planning matters have been considered taking into account cumulative impacts where these are relevant to the development, the site, its context and the issue being considered. It is recognised that there are existing and operating large scale poultry business within the locality of the proposed unit but is considered that the development does not give rise to any unacceptable cumulative impacts as has been detailed within the individual sections of the report and summarised below, with specific reference to the issues raised within the chief planning officer letter and Planning Policy Wales.

With regards to cumulative impacts, consideration has been given to similar developments located within five kilometres of the site that have been through the planning system and are operational, permitted or applied for. The following sites have been identified -

- Grove Farm, Knighton – 1.2km south west of the site – 3 No. broiler units, 2 existing units and 1 with planning permission but not yet operational.
- Heartsease, Knighton – 4km east north east – 6 No. broiler sheds.
- Willey Cottage Farm, Stonewall Hill, LD8 2ND – 4km south east – 1 No. free range egg unit.

For some environmental matters, such as noise, odour and dust, the impacts of a poultry unit are localised and are unlikely to act in-combination or contribute to a cumulative impact due to the remote nature of the proposal from another source and the proximity to sensitive receptors. The application has been supported by a noise report that has taken into account the impact of the development in relation to background data and therefore the scheme has been considered against all existing development. There are no known other proposed sources within the locality which are likely to operate in conjunction with the proposed development that are likely to give rise to cumulative impacts in relation to noise for any individual receptor. The application has also been submitted with an odour assessment report and given the extent of the predicted odour plume from the proposed buildings; the development is not considered to have a cumulative odour impact with any other developments. Similarly, due to the isolated nature of the development and the proximity to a sensitive receptor, the dust produced is not likely to act in combination with any other development.

Manure generated as a result of the development will be exported off site to an anaerobic digester. The anaerobic digester has the benefit of planning permission and must operate in accordance with that permission and any other regulations or permits associated with it. The cumulative impact of nutrient use from the sludge produced as a result of the process was a matter for the consent relating to the AD plant and not this current planning application.

Finally, it is recognised that the development will generate aerial emissions and will contribute to those already present in the atmosphere from various sources. However, the development has incorporated best available technologies (scrubbers) to reduce the development's contribution to a level which is considered acceptable to NRW.

The revised environmental statement has also taken account of the potential for cumulative impacts but has scoped out this issue from detailed consideration due to lack of likely significant effects.

A number of representations have been received stating cumulative impact as a ground of objection, however, this appears to be general concern relating to intensive livestock

units at a strategic level rather than a specific concern relating to this development in conjunction with another specific unit on any particular individual matter.

### ***Climate Change***

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050 with interim targets set for 2020, 2030 and 2040. Welsh Government also have a legal commitment to net zero by 2050 and an ambition to achieve this sooner if possible.

There are two parts to the issue of climate change within planning, these being the extent a development contributes towards the generation greenhouse gasses and the extent a development has considered and adopted means to make the operation resilient to the effects of climate change.

*The environmental statement states that, 'UK farms presently amount to 45.6 million tonnes of carbon dioxide (CO<sub>2</sub>) equivalent a year – about one-tenth of UK GHG emissions. But in stark contrast to the rest of the economy only 10 per cent of this is CO<sub>2</sub>. Around 40% is nitrous dioxide (N<sub>2</sub>O) and 50% is methane (CH<sub>4</sub>). Current poultry production in the UK is responsible for a fraction of the Greenhouse Gas emissions associated with red meat production, because of the methane emitted as a consequence of ruminant production systems. Compared to other meat production systems, poultry produce approximately half the GHG emissions per kilo of pork and approximately a fifth the Greenhouse Gas emissions per kilo of red meat, with substantially higher feed conversion figures than cattle or pigs for both intensive and extensive systems. Methane emissions are nearly all associated with manure storage (poultry digestion does release some methane but it is relatively negligible). The revised proposals involve the removal of the of the manure from the site to an Anaerobic Digester Plant with no manure storage proposed'.*

From the statement above, it is evident that the proposal will make some contribution to greenhouse gas emissions, as do many operations and developments, however, this does not in itself mean that it is unacceptable and does not provide a full picture of the issue. For instance, third party representations have highlighted that there are climate change implications from the transportation of manure at distance from the poultry unit but there is a wider argument put forward in support of the application that it will contribute to British self-sufficiency in poultry meat production and the principle of reducing imported food stock which will have a significant reduction in carbon emissions from transportation overall. As it currently stands there are no specific planning policy requirements that dictate a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state intensive livestock units should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

With regards to climate change resilience, the environmental statement has detailed that the development will incorporate the use of renewable technologies in the form of a ground source heat pump and solar panels which will reduce reliance on energy from fossil fuels. Furthermore, mitigation for climate change is factored into the sustainable drainage design proposals which includes the appropriate additional capacity for climate change within the designed system.

Taking account of the information available to Development Management Officers as is reasonable for an individual planning decision, it is believed that the proposal provides a well-considered approach to climate change in so far as it is material to the decision making process.

### ***Planning Balance***

It is recognised that there are arguments both for and against the sustainability of intensive livestock units in the UK as well as the overall impact of the development on the environment and local populations. All development has an impact and it is the role of the planning authority to assess whether the impact is acceptable or unacceptable taking into account material planning matters.

The application is in respect of a development to accommodate 110,000 broilers at Llanshay Farm, Knighton. Having been assessed by Development Management and taking into account the comments of consultees and members of the public, the development is considered to not unacceptably affect the environment subject to adherence of the information submitted with the application which could be controlled via the conditions detailed below. The development is considered to be compliant with local and national planning policy and it is for that reason that the development is recommended for approval.

**The information submitted within the Environmental Statement has been considered in full in reaching the decision made on this application.**

### **Recommendation**

Conditional consent.

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents: IP/LF/01B; IP/LF/02A; IP/LF/03A; IP/LF/04; IP/TP/05A; Manure Management Plan – as detailed in Sections 9.36, 9.37 and 9.38 of the Environmental

Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021, Drainage Plan – as detailed in Sections 10.3, 10.4, 10.5 of the Environmental Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021 and detailed on the Drainage Layout Plan A1 drawing no. IP/TP/05C, Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton (unreferenced & undated). The measures identified shall be adhered to, implemented in full and maintained thereafter.

3. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) will be submitted to and approved in writing by the Local Planning Authority to confirm that the Inno+ air scrubber units equipment as detailed in Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5th February 2021 have been installed in the approved poultry units and are fit for purpose. The air scrubber units shall be operated and maintained thereafter to ensure that outlet ammonia concentration is no greater than 2 ppm (1,408.8 µg/m<sup>3</sup>) (the guaranteed maximum outlet concentration from the manufacturers of the ammonia scrubbing equipment).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.

6. The poultry units hereby approved shall be limited to occupation by 110,000 broilers.

7. The external cladding of the buildings and the feed silos shall be Olive Green in colour for the lifetime of the development. The external elements of the mechanical fans shall also be Olive Green or Black in colour for the lifetime of the development. The frames of the PV panels detailed on the approved plans shall be black in colour.

8. Notwithstanding the details submitted, a detailed native species landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be submitted as a scaled drawing with a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

9. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 8) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.

10. The approved landscaping scheme as implemented by the landscape phasing

scheme (condition 9) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.

11. The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19<sup>th</sup> February 2021 (Pages 24 – 25 (inclusive)). The identified measures shall be adhered to and implemented in full and maintained thereafter.

12. The development shall be carried out strictly in accordance with the mitigation, enhancement, monitoring and management measures with regards to great crested newts as detailed within the Recommended Mitigation and Habitat Enhancement Measures Section (Pages 8-13 (inclusive)), Amphibian Friendly Surface Water Management System Section (page 14), Long Term Monitoring and Management Section (page 15) and Appendix 1 Restricted Activities in and Around Exclusion Zones of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12<sup>th</sup> December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

13. The development shall be carried out strictly in accordance with the Tree and Hedgerow Protection Measures Method Statement as detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12<sup>th</sup> December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

14. Prior to the first beneficial use of development, an ecological consultant shall visit the site to check that all of the biodiversity enhancement measures for birds, bats, hedgehogs and great crested newts have been implemented and are fit for purpose and a written report shall be submitted to the Local Planning Authority confirming that this the case.

15. No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations identified in the Ecological Constraints and Opportunities Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19<sup>th</sup> February 2021, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12<sup>th</sup> December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved and maintained thereafter.

16. No manure or dirty water produced as a result of the poultry units hereby permitted shall be spread on land at Llanshay Farm, Knighton, specifically fields SO2971 9451, SO2971 9471, SO3071 1378, SO3071 1558, SO3071 3084, SO3071 2740, SO3071 3967, SO3071 4226, SO3071 4551, SO3071 6422, SO3071 6466, SO3071 6651, SO3071 7303, SO3071 7334, SO3071 8917, SO3071 9840, SO3072 1502, SO3070 4499, SO3070 5075, SO3070 6151, SO3070 6781, SO3070 7938, SO3070 7959, SO3070 8092 SO3070 8627, SO3070 9597, SO3171 1126, SO3171 1708, SO3170

1787.

17. All manure exported off site (Llanshay Farm, Knighton, LD7 1LW) must be sheeted or fully covered.

18. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

19. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

20. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

21. Prior to the first operational use of either poultry building the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

22. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

23. The width of the access carriageway shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

24. Any vehicular entrance gates installed within the application site shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

25. No surface water drainage from the site shall be allowed to discharge onto the county highway.

26. No development shall commence until an Amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall be carried out in accordance with the approved details.

## Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 4 to 6. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, February 2021).
- 7 to 10. In the interests of amenity and a satisfactory development in accordance with policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 and Planning Policy Wales (Edition 11, February 2021).
- 11 to 14. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 16 to 17. In the interests of amenity and a satisfactory development in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11, February 2021).
- 18 to 25. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, February 2021).
26. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

## Informative Notes

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for

a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

#### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 (as amended) and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

#### Environmental Permit

We note a copy of the Environmental Permit for this proposal has been submitted, referenced EPR/AB3593ZL.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

#### Foul Drainage

We note a package treatment system is to be installed to serve the control building. Government policy states that, where practicable, foul drainage should be discharged to

the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk).

### Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

### Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

### Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### Drinking Water Protected Area

This planning application falls within a Drinking Water Protected Area under Article 7 of the Water Framework Directive. This Article requires the UK to take action to protect drinking water sources. Please ensure compliance with current regulations and best practice guidelines are being followed in respect to any new building and maintenance of this installation. We would like to reiterate to the applicant that the facility is within a Drinking Water Catchment and trust that all the particulars from the permit will be followed

during the lifetime of the treatment plant.

## Public Rights of Way

In the applicants plans it is proposed to carry the clean water under the public bridleway. In order for the applicant to carry out these works within the highway, a temporary Traffic Regulation Order (TRO) will be needed to allow for a safe working area during works and appropriate reinstatement of the surface to a standard appropriate for a bridleway. The applicant can apply for a TRO via the application form at the bottom of this webpage; <https://en.powys.gov.uk/article/734/Traffic-delays-and-planned-road-works>

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- **Development** over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- **Landscaping & Surfacing** - Advice will need to be sought before interfering or surfacing a public right of way.
- **New fencing or boundaries** – The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- **Temporary closures** – The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- **Legal Diversion** – If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.